

SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
February 10, 1995
Alaska Native Brotherhood Hall
Hoonah, Alaska

VOLUME III

COUNCIL MEMBERS PRESENT:

William C. Thomas, Sr., Chair
Herman Kitka, Sr.
John P. Feller
Richard Dalton, Sr.
Patricia A. Phillips
Mim Robinson
Lonnie Anderson
Marilyn R. Wilson
Carol Jorgensen, Coordinator

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1 CHAIRMAN THOMAS: Some of the council members, when we
2 finished the proposal portion of the agenda, needed to leave
3 and so they're gone. We've got one member checking out the
4 kitchen to see if there's any leftovers from last night, and
5 he's our scavenger for the day.
6

7 And yesterday we got to the portion of item C., under
8 New Business that is titled: Any other new business. My notes
9 suggested that we had resolutions and implementation language
10 to discuss. We finished the language part of it, and we did
11 satisfy the resolutions that were brought to my attention by
12 that time. And we do have some people that have been here,
13 waiting for time to use this forum for matters of information,
14 and there's been so many people going through and so many areas
15 covered, I am going to just make the microphone available to
16 first come, first served. If there's not more than one, then
17 so be it, but if there's anybody ready to present or to address
18 the council, now is the time to do it.
19

20 Sir, tell us who you are and where you are from.
21
22

23 MR. EDWARDS: Thank you, Mr. Chairman. My name is
24 Larry Edwards, I'm from Sitka, and I'm a forest campaigner for
25 GreenPeace, and I've come to present information to the
26 council, just to further your understanding of the forest in
27 Southeast Alaska. The information I've brought is visual.
28 It's these two maps over on the wall, and if I could have the
29 pleasure of the committee, perhaps we can all just gather
30 around the maps and I could give you a quick, maybe 10- or
31 15-minute overview of the big picture of the Tongass National
32 Forest and some of the things that could possibly happen to it
33 in the decades ahead.
34

35 CHAIRMAN THOMAS: Okay. Why don't you take a mike with
36 you and those that want to gather around, go ahead and do so.
37 I choose to wait here, and if you would just identify wherever
38 your pointer is at, I'll know where you're at.
39

40 MR. EDWARDS: Okay. I think actually to get an
41 understanding of what I'm showing you'll need to see some of
42 the detailed map on the wall.
43

44 CHAIRMAN THOMAS: Okay.
45

46 MR. EDWARDS: If you prefer, I could do this during the
47 break, if that would be less disruptive.

48 CHAIRMAN THOMAS: To me, that's not really relevant.
49 But if anybody would like to gather -- oh, go ahead, those of
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you that want to gather, go ahead, help yourself and be 211
supportive and cooperative. Don't be like the Chairman.

1 MR. EDWARDS: You can step in close. We'll need to
2 speak into the mike since this is for the record, I guess.
3

4 I have two maps here. These are prepared by the US
5 Forest Service. These are what we call GIS maps. It's from
6 their Geographical Information System in which they have many
7 different kinds of data or numerical data that are related to a
8 point on a map, and they can take these and -- they probably
9 have hundreds of different layers that show different things,
10 some of which are subsistence. This is not subsistence data;
11 this is data on the condition of the forest. But they can make
12 very detailed maps like this very easily.
13

14 As you all know, this is a very large area. It's about
15 16.9 million acres, 300 miles by probably 100 miles wide. And
16 since the bulk of it is called the Tongass National Forest, we
17 often had to think of it as a forest, when in fact it really --
18 a lot of it isn't what you'd think of as forest, it's
19 productive in terms of wildlife habitat or timber.
20

21 The ivory areas on the map are about two-thirds of the
22 land area, and what that represents is a combination of areas
23 that are non-forested, such as along the border with Canada
24 where you have 12,000' peaks, there's a lot of rock and ice and
25 glaciers. When you get out into like Kupreanof Island here,
26 you get into a lot of muskeg areas, and the muskeg, of course,
27 is non-forest, but it also includes productive forest, which is
28 timber that's less than 8,000 board feet to the acre.
29

30 The two shades of green is productive forest, and that
31 goes -- the light green goes from 8,000 up to 30,000 board feet
32 to the acre. And the dark green, you'll see some patches of it
33 here at Kuiu and down in Prince of Wales and up in Admiralty
34 and a few others in other spots. The dark green is 30,000
35 board feet to the acre and higher. In some cases over 100,000
36 board feet to the acre.
37

38 So, all told, all the ivory on this map is two-thirds
39 of that 17 million acres, and you can see there's a fair bit of
40 the light green. You start looking for the dark green, which
41 is the really productive timber, both in terms of value and
42 timber that's logged, and also for the wildlife habitat, you
43 see there's not a whole lot of it. The bulk of it is down on
44 Prince of Wales Island.
45

46 You see down here there's also a lot of black, and
47 that's the areas that have been so far clear cut, or if they've
48 been clear cut a while ago, it's the second growth now. And
49 for the most part, that came out of the dark green. There's
50 been very little of the light green logged ever on the Tongass.

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This is the high grading that you hear people talking about212

1 And, of course, there's also Native land, other private
2 lands, and State and municipal, these are shown in grey. You
3 can see around Hoonah the areas that are owned by Hoonah, Totem
4 and Sealaska, City of Juneau, areas on Douglas Island that are
5 also in private ownership. City of Sitka, Kake Tribal,
6 Petersburg, and then there's a lot of Native land selections
7 down in Prince of Wales Island, and you've got the Metlakatla
8 Indian Reservation and Ketchikan as well. And, particularly on
9 Prince of Wales, there's been a lot of logging on these private
10 lands. You've got to imagine that a lot of that also is black
11 or ivory.

12
13 When you fly over it or go by the ferry on parts of
14 Southeast Alaska you see a lot of areas that -- or ivory in
15 this map that look to you like they're forest. For example, if
16 you go by the east side of Baranof Island it looks like it's
17 pretty heavily forested. You see on this map though that it's
18 all shown in ivory except for a real thin fringe along the
19 beach, and that's because what you're looking at is a
20 productive forest; it's 8,000 board feet to the acre or less.
21 And then, of course, down the spine of this island you've got
22 alps from three to 5,000 feet, so you've got rock and ice and
23 glaciers up there.

24
25
26
27 In talking about the subsistence situation around my
28 community, particularly, you see where the forest is mostly
29 around the northern fringe of the island, and you can go up to
30 Kadashan, here at Chichagof, you can see how there's a line of
31 dark green down the valley bottom. You start looking for dark
32 green around here, you don't see very much. Lisianski is this
33 area, further Hoonah Sound, Lake Eva, but you can see what
34 happened, you see the dark green here at Kadashan. You go over
35 the divide into the River -- into Sitkoh Bay, you can see how
36 Alaska Pulp came through there and took out all the good timber
37 from the bottom. You can go along to the various bays, Rodman,
38 Fish Bay and Nakwasina and Katlian, you can see what's happened
39 with the industrial scale logging, how it took the best out of
40 the valley bottoms. This is probably the most clear place to
41 see it, just because of the terrain, but the same thing has
42 happened down here.

43
44
45
46 You go to the next map, which is at the end of the
47 cutting rotation, it says the year 2140 up here, but in fact
48 all of the black would be on this map by about the year 2060,
49 and this is based on cutting under the current planning
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direction on the Tongass, 420 million board feet a year. That was out of the TLMP SDIS that came out in 1991. The Forest Service currently is planning on cutting probably 320 to 350 million board feet a year, so probably from here on out about three-quarters of the level of cutting this represents. However, the Congressional delegation, Don Young, Frank Murkowski, Ted Stevens, they're still pushing for 420, and so is Alaska Forest Association and the Alaska Lumbermen's Association. So there's still a lot of political pressure to make the scenario happen.

10

11 You start looking on this for any more green and it's
12 getting pretty hard to find. You can see South Prince of Wales
13 wilderness, there's some. You get over into Misty Fjords
14 National Monument, there's some dark green up in the Unik River
15 (ph), you find not very much else, and not very much light
16 green because you're in that coastal habitat area where the
17 climate's affected by the big mountains and the ice and snow
18 that's up there. You go on north, the outer islands,
19 Coronation and Warren, those are either LUD II or wilderness.
20 There's a wilderness in Tebenkof, South Etolin, Naha, Anan
21 Creek. Basically, most of the green you're seeing on the map
22 where there's light or dark, it's left over, is either very
23 poor habitat or it's protected areas. And the timber industry
24 likes to say that out of the 17 million acres there's so much
25 wilderness in the Tongass, and they like to imply that it's all
26 forest, but when you start looking at it, really, it's not.
27 There's a little over 6 million acres of it. You've got
28 Stikine-LeConte on the mainland, you've got Tracy Fjords,
29 Terror, you've got South Baranof, West Chichagof, the LUD II
30 areas up on the north end of Chichagof Island; all those areas
31 in terms of habitat, not the best stuff.

32

33

34

35

 And you start looking at what happens to subsistence
36 around Sitka at this point and you can see that we're going to
37 be devastated if this scenario happens, and it's going to be
38 true for many other communities. I know in Kake, for example,
39 the people in Kake are very concerned about what was proposed
40 in the last plan for APC on North Kuiu, and you can see what
41 Kuiu is like, it's -- there's some pretty good habitat there
42 and it's been hit pretty hard already, but you get to what
43 would happen if we keep cutting 420, and you can see that
44 that's obliterated. And what's left is basically in Rocky Pass
45 and over here in Tebenkof, but that's pretty far away from the
46 folks in Kake and Kupreanof Island. You know, there's a lot of
47 muskeg there and you take all the good stuff out, there's
48 nothing left to keep us going. The best good block of habitat
49 left is on Admiralty, but that's really about the only one

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1 So this is something that really concerns me, it's
2 something I'm working on in my campaign with GreenPeace as a
3 forest campaigner, and I hope the committee will take it to
4 heart when TLMP starts moving along in the coming months. I
5 think that what happens in the next decade or two here is
6 really going to set the course. There are some really key
7 areas that we need to protect for subsistence and for habitat
8 in general. So, thank you very much for the time.

9
10 MS. WILSON: I have a question.

11
12 MR. EDWARDS: Oh, yes. I'm happy to answer questions.

13
14 MS. WILSON: Is there an alternative -- you say if we
15 log or logging is allowed in these areas of deep forestation,
16 well, where could they pick -- what other areas can they pick
17 to log where it won't hurt our subsistence?

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19
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21 MR. EDWARDS: Well, I think that what's happened is
22 that over the past four decades since industrial scale logging
23 started here in 1954 that we've logged the best and then the
24 best of the rest, and now we're getting down to the best of the
25 rest of the rest. And in my campaign with GreenPeace I'm
26 looking at trying to protect the economies of our communities,
27 both in terms of subsistence as well as in terms of logging,
28 and I think the only answer, really, is to sustain timber jobs
29 on less timber. What we need to do is try to recover the
30 maximum value from the resources that we're taking from the
31 forest in our communities, and instead of exporting the raw
32 materials, change the industry into one that logs less but then
33 provides jobs by making finished products out of what's being
34 produced here.

35
36
37 For example, one person I've been working with on
38 Prince of Wales Island goes out and he finds blow down. He's
39 looking for big trees, basically, and he even sells
40 (indiscernible) stringers that he bids on from the Forest
41 Service. And he cuts these into blocks that he can pack on a
42 pack frame and pack out of the woods on his back. He has a
43 special band saw so he can cut quarter sawn plates out of it
44 for guitar tops, and he sells those to Gibson and Martin
45 guitars. And he's making really good money on that, far better
46 than the traditional industry is. But we could even go a step
47 beyond that if we could get people trained here to make guitars
48 or mandolins or other kinds of high value wood products. From
49 what he tells me, the end products that are being made

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elsewhere from what he produces are actually worth \$25,000 a215
1,000 board feet.

1 So, there's a great potential there. It's going to
2 take some transition, but I think we need to start on that
3 right away.

4
5 MS. ROBINSON: Yeah, you were talking about 420. Could
6 you refresh my memory on that?

7
8
9 MR. EDWARDS: Yeah. It's 420 million board feet of
10 cutting per year, and that's been generally the target for the
11 Forest Service. Very often they don't quite meet that level,
12 but they've come quite close to it, for the most part. And
13 that's what they refer to as the ASQ, the Annual Sale Quantity.
14 And in terms of what the ASQ should be, I think it's really an
15 open question. I don't think the Forest Service has really
16 paid enough attention to how they should be determining that
17 and how they should be determining it with some precautionary
18 principle applied. We're gambling with our future by doing
19 this, and basically the Forest Service is saying, well, we
20 figure we can take this much timber so we're going to take it,
21 and I think we need to look and say, well, if we think we can
22 take X amount of timber off of the Tongass, we should take
23 maybe just -- you know, for a hypothetical number, say half of
24 that, just to allow ourselves a factor of safety to make sure
25 that we're not foreclosing our future, because there are a lot
26 of things we still don't know about this forest.

27 MS. ROBINSON: Just to continue with that, could you --
28 yes, with large numbers like that it's really hard to imagine
29 what that is. Could you maybe show on the map what 420 million
30 board feet would be, the kind of area that would cover in one
31 spot there?

32
33 MR. EDWARDS: Well, since most of the logging has come
34 off of land areas that have 30,000 board feet per acre or more,
35 you'd be looking at 43 divided by 3, you're looking at upwards
36 to 18,000 board feet -- or 18,000 acres per year. To put it
37 all in one place, I'm just trying to think of a place where I
38 know there's about that much area.

39 MR. FELLER: (Indiscernible - away from microphone)

40
41 MR. EDWARDS: Do you want to point to that? I know
42 where it is, but do you want to outline -- you're talking about
43 the grey area here?

44
45 MR. FELLER: (Indiscernible - away from microphone)

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48
49 MR. EDWARD: So, you're looking at about 5,000 less
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than that spread all around. Another thing that's happening too, is the Forest Service is vastly over-estimating how much timber is actually available and loggable. We've seen this particularly in the South Tongass, down in Prince of Wales, with the Central Prince of Wales Plan which was decided on recently, about a year ago, and you might have seen it here in the paper over the last few weeks that the Forest Service has decided to go back and do a supplement on that plan now. But the fall down, as they call it, which is the amount of timber they can actually get in comparison to what they thought they could get from the planning areas, 50 percent. And this is because they haven't accounted for steep slopes, wetlands, unstable soils. And when they actually get down to the nuts and bolts of doing the plan, they find out that the timber isn't there that they thought there was, yet they haven't gone back and taken the information they've gotten, for example, from Sea Plow (ph) and plugged that back into the whole forest plan. So, they still figure they've got a lot more timber to log on the whole Tongass than they do.

So, we're going to go into a timber draught, if you look at it from the industry perspective, as well as a great shortage of habitat. This is the kind of direction planning moves along.

MS. WILSON: You say the Forest Service gets their information from Sea Plow -- I mean their survey?

MR. EDWARDS: Where does this information come from, you mean? This is kind of a summary of all the data that I've collected over the years, and actually there are some problems with the data on these maps. For example, if you were to go to this place and you see there's some dark green and you wanted to go and find the forest and see what it looked like, you may not find that dark green there, it may be somewhere else. In fact, if you look at this map on a very small scale, it's only about 50 percent accurate. If you consider it averaged over the whole Tongass, it's apparently quite accurate, but the placement of some of these different areas of different colors is imprecise, and it's not till you get down to the actual project planning level where it becomes known exactly where the really good timber is and where it isn't.

MR. NEWHOUSE: To answer some of your questions here, and Larry's correct, on the Sea Plow, one of the things that we have found, there's been national studies done, other groups have looked and there have been a substantial amount of less timber than what we said is there, and on the Sea Plow timber sale, we're in the process, we're going to be doing

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supplemental EIS on that. But another thing that we've been217
doing, and it's going to figure in to the finishing of TLMP
revision, is that we've been looking and we've done a fairly
1 intensive study. We've had a contractor that's involved with
2 the control lake timber sale EIS, which is ongoing down in this
3 area, right here, of Prince of Wales Island and out in here in
4 this area right here, up through the Honker Divide country, and
5 they're evaluating what is actually on the ground. And then
6 they're going to take that data and feed that into the rest of
7 TLMP revision, and that will probably cause for some
8 adjustment. We don't know yet. The contractor's stuff is
9 actually slightly overdue. We're going to be able to get these
10 figures back very shortly. We should have had them already. I
11 think that data is going to cause for a modification what we
12 have been projecting in the past.

13

14

What has happened here, as all of you know, in resource
15 areas whether it's fishing or what-have-you, because of the
16 difficulty to collect information on the ground out here, we've
17 done point sampling, and so, you know, there may be on -- we
18 took points all over the Tongass and then we went in places on
19 the ground and did an inventory of what was there at that
20 point, and then we expanded that information out. And that's
21 led to some of the inaccuracies that we've had. But we've
22 spent a lot of money in the last few years gathering a lot more
23 data, trying to get a better picture of what's on the ground.
24 And out of that, hopefully, with better data, we'll make better
25 decisions with regards to what we can do and can't do.

26

27

28

Larry is correct, that we're finding soils that are not
29 conducive for having timber harvesting activities on them,
30 we're finding a lot more cliffs as we go way out roads.
31 Because we did a lot of this work from aerial photo
32 interpretation originally, we just weren't able to get out on
33 the ground with the frequency that we needed to. But with this
34 additional sampling and stuff like that, we're making the
35 adjustment. And I think with the ecosystems management this is
36 in the revision of the plan. With the scientific approach
37 that's being done that was similar to what has been done with
38 the Pacific Northwest, with the Idaho -- or let's see, excuse
39 me, the Washington, Oregon and Northern California, and the
40 spotted owl thing, we're actually taking that same type of
41 approach with the revision, a plan here. And hopefully we'll
42 see something different.

43

44

45

Though there is going to be a lot of pressure from
46 industry, and we do have a contractual commitment to meet with
47 KPC. And normally the KPC, to me, our contractual commitments
48 to KPC was just Prince of Wales Island and Revilla (ph) Island
49 in the Cleveland Peninsula area. That was where we took all

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1 the timber to meet the KPC contract. Right now, to meet our218
2 contractual commitments to Ketchikan Pulp Company, we're
3 looking at the whole Tongass to continue to provide the amount
4 of wood that we need to provide to them contractually, which is
5 slightly less than 200 million board feet.

6 MS. ROBINSON: I had a question. I was looking up
7 here, comparing the Yakutat area -- like over on this one
8 there's a lot of the dark and the lighter green, and then you
9 look at this map over here and it's greatly reduced but there's
10 none of the second growth coming up. Why is that?

11 MR. EDWARDS: I don't know. I've wondered about that,
12 too. I asked someone in the Forest Service at Sitka about that
13 and they thought it might be due to just natural changes in the
14 area with uplift, glacial rebound, things like that. I don't
15 know, it's something I need to find out. I'm kind of curious
16 about that as well.

17 Hank was mentioning, you know, that they've gone to
18 particular places and taken data and basically tried to confirm
19 things on this map, and where the rest of the forest types were
20 plotted from aerial photos, and that's where the inaccuracy
21 comes in. Things will look very different sometimes from the
22 air than they actually are on the ground.

23
24
25 And as I was saying -- as Hank was saying, things will
26 be changing in TLMP, it looks like maybe we're heading in the
27 direction of having three-quarters or 80 percent of this black
28 that's on the map. So, you can maybe kind of visually eyeball
29 what that might look like. The question is, how does that come
30 down to life in our communities, subsistence, things like that,
31 do we know enough to take that much timber, and also can the
32 Forest Service prevail and move ahead with the program it wants
33 or will the industry and the Congressional delegation prevail
34 with their big push for 420 -- cutting 420 million board feet
35 per year or more.

36
37 MS. ROBINSON: With that contract, if -- I mean, that
38 was made a while ago, so I mean is there any way to reduce it
39 even more or to break the contract or -- you know, how is that
40 -- it seems like that's been discussed, hasn't it?

41
42
43
44 MR. NEWHOUSE: Ma'am, if I understand the way the
45 contract situation is, in the revision of the Forest Plan if
46 they can clearly show that we're going to go through that
47 analysis, that there's not enough wood available to meet the
48 commitments to that contract, I think there's a stipulation
49 that we can break the contract at that point in time. But
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that's going to be a difficult thing to do. And I don't know -- you know, I wouldn't even hazard a guess where that's going to go. Right now the contract is scheduled to go into 2004, we've got about nine years left to the contract. To meet our commitments to KPC, the work that we're going to have to do will have to be finished with our NEPA clearance of, you know, being able to do all our environmental assessments and that. We're going to have to be finished by 1998 in the sense of NEPA clearing, the amount of wood that's to be harvested. Because they have to be finished and out of the woods by 2004 when their contract ends.

CHAIRMAN THOMAS: Is it safe to assume that when you guys come back up here you'll be through with the presentation, questions and everything?

MR. EDWARDS: Pardon me?

CHAIRMAN THOMAS: Is it safe to assume that when you folks come back up here that the questions will all have been asked and answered?

MR. EDWARDS: I think so. Are you asking all the questions now? I would also point out

CHAIRMAN THOMAS: I'm not suggesting that you stop, but if -- what I'm saying, when you get back here we'll go on to other business.

MR. EDWARDS: I think that's the intent, yes.

CHAIRMAN THOMAS: So you could finish there?

MR. EDWARDS: Yes. I would just say, in answer to what Hank said, there is a clause in the KPC contract that allows the contract to be terminated if there's excessive environmental damage. So that could be triggered at any time.

MS. PHILLIPS: Larry, I want to thank you for bringing the Forest Service maps to our attention and interpreting them for us.

MR. EDWARDS: Thank you for the opportunity. I'm pleased to do it.

MR. FELLER: Who is going to determine if there is an environmental -- something devastating to the area?

MR. EDWARDS: In terms of the contract clause, you mean?

MR. FELLER: Yes.

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1 MR. EDWARDS: That would be up to anyone who is 220
2 concerned, basically. It would require legal action, I would
3 think, to trigger that clause. The Forest Service could do it
4 on its own, if it wished to, but it hasn't taken that option,
5 and it doesn't appear that it will. But citizens or other
6 organizations could do that.

7 MS. ROBINSON: I'm just curious if there are any small
8 maps available of these two?

9 MR. EDWARDS: Yes. These maps are available from the
10 TLMP Planning Team, and later on when I take them down -- I'm
11 going to leave them up for a while so people can look at them,
12 but there's a file number here, and you can call John Day at
13 the Planning Team, he's their GIS technician. The phone number
14 is 586-8700, if you want to give him a phone call, and these
15 are available on 11" by 17" format as well.

16
17 Thank you very much. Thank you, Mr. Chairman.
18
19
20

21 CHAIRMAN THOMAS: Thank you very much, Larry, for your
22 presentation. Just as an encouragement from the Chair, what
23 we're dealing in is a very complex -- anything that's complex
24 and understood at different levels has a tendency to be
25 controversial. When something is controversial it becomes
26 combative. When it becomes combative then it's nonproductive.
27 So, I think this is an improvement on the use of this forum,
28 to address land issues that we're all concerned with. Land use
29 has many, many uses, and land has its values to each of us.
30 While we all embrace all of the values of the land, we always
31 have a tendency to identify ourselves as part of it rather than
32 identifying ourselves with all of it. And in some cases it's
33 difficult to identify with all of it. We'll have several pet
34 names for something and then we'll call the rest "all others as
35 prescribed." So, thank you very much for your presentation and
36 your exchange with the council.

37
38 Is there anybody else that hasn't been on the agenda
39 that has anything that they would like to bring to this
40 council, you want to use us for a sounding board? Everybody
41 except Wanda. Please come forward, Wanda.

42
43 MS. CULP: Thank you, Mr. Chairman. It's good to see
44 everybody here. Wednesday, I was in Juneau

45
46 CHAIRMAN THOMAS: Your name, for the record? You know
47 the rules.

48
49 MS. CULP: Sorry. It's my job to break them. But
50

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Wednesday I was in Juneau, along with our clan matriarch, 221
Amy Marvin. She will address the -- there was a workshop going
on regarding ecosystem partnership. This one specifically
addressed Glacier Bay. And it was -- what do you call it,
where everyone gets together and hashes around ideas

CHAIRMAN THOMAS: Brainstorming.

MS. CULP: a brainstorming session in which they
were addressing all kinds of issues, I guess, Federal agencies,
and it will eventually include scientists and the Tlingit
people and, I think, the conservation groups. What the concept
is is to begin dealing with the issues and concerns regarding
Glacier Bay, and begin dealing with the ecosystem type of
thinking.

And since we're talking about the Tongass, I think it's
time -- over time that we begin thinking partnership with the
ecosystem now with the Tongass and traditional usage area for
the Hoonah people has been pretty much abused by the loggers,
whether they be private, Native or Federal. And we need to
begin looking at the traditional usage areas, area by area, to
see how badly damaged they are so that we can begin fixing this
and put some assurances for the future that this type of thing
won't happen again, because the thinking we have is standing
trees are more important to us economically for the customary
and traditional users than in the future than it is right now
to the corporations and the Forest Service to cut it down, and
this is how we're thinking and this is what we need to start
protecting. Thank you.

CHAIRMAN THOMAS: Thank you, Wanda. I'm really happy
to hear that now. In the last couple of days I've had a chance
to share with Richard Dalton and some of the people that are
from Hoonah that live in Juneau. When I travel on an airplane
and I'm not sleeping, I have a lot of time to get in trouble
with my mind wandering around, and every time I fly over
Glacier Bay my mind gets sad. I'm thinking, you know, the
Glacier Bay people have been trying to conquer Congress for a
long time. It's kind of like holding the low tide out of the
Indian Islands; it's not going to happen. It can happen if you
put a big enough barricade there, then you can do that. I've
suggested to people that we need to work cooperatively. I
didn't know about Glacier Bay, other people that are actively
involved in Indian politics know about Glacier Bay, but the
average person working in the smokehouse or picking berries
doesn't know about Glacier Bay. We need to get these people
involved. We've got people that are at this forum. Everybody
can be contributing to accomplishing things. It's going to

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take dialogue, it's going to take an exchange, we're going to have to convey a level of trust.

1
2 Of all the great things you've heard about the Indian
3 people trust was not one of the great things that we're known
4 for. Within ourselves we are, but to the rest of the world,
5 don't trust 'em. And that's probably the biggest obstacle we
6 have, and it's not anything that we've done to not be trusted,
7 it's people that have a tendency to reflect on their own
8 attitudes and lifestyles, and we're victims of that. And I'm
9 not saying that I'm free from doing that myself. I do that at
10 times. I've pulled crabs back into the bucket. But we're
11 going to have to empty that bucket and leave it empty of the
12 crabs.

13
14 But I endorse every word you said this morning. Carol
15 would like to share something.

16
17 MS. JORGENSEN: Well, what I said last night was I hope
18 that the elders were at the -- that were there get to see the
19 day that they're back in their homeland and singing their song
20 to Costeen (ph) that they're home in their own area.

21
22
23 I wonder, though, and I don't know Larry -- I mean
24 Clarence, if you could help me on this thinking, but I was down
25 in California in the summer at Cal-Davis, and we went down to
26 the headlands in Marin County, and there was all this National
27 Park Service land that the National Park Service had turned
28 over to all of these artists. I don't mean in ownership, but
29 it was, you know, beginning, these artists were managing the
30 beaches in that area of the headlands. And I looked at that
31 and I thought, why -- you know, with the Hoonah people why
32 can't that -- something like that be done since it started to
33 set a precedent that they turned it over to all these artists
34 that manage and this tourism and all of these things going on.
35 You may not have any answers to that, but it was curious to me
36 that the Park Service had made this long-term contract with the
37 artists down in this beautiful beach -- prestigious area, and
38 they took care and maintained all of that.

39
40 Now, that was Pomo grounds. We had a Pomo Indian come
41 and talk to us about this, this was all Pomo grounds area, and
42 they were hoping to have a park in this, but why couldn't
43 something like that be started up here, be looked at? Because
44 I could see where the Hoonah Tlingit could really -- I mean,
45 there's tourism, there's other kinds of things, but why
46 couldn't they be managing that area under a -- you know, at
47 least as a start in their own homeland.

48
49 Do you know anything about that?
50

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MR. SUMMERS: Clarence Summers, National Park Service.
Gosh, I'm not familiar with that situation. I do know that
1 there is a provision to -- at least new direction from our
2 Washington office to pursue cooperative agreements and to be
3 more sensitive to the local people that are adjacent to Park
4 Service areas. To answer your question, I'm not familiar with
5 that situation in California.

CHAIRMAN THOMAS: Clarence, I'm glad you're there.
7 Management plans for Glacier Bay, is there one?

MR. SUMMERS: Yes, there's a General Management Plan.
10 I think it was approved in the mid-'80s.

CHAIRMAN THOMAS: Does it include philosophies,
13 missions, that type of thing?

MR. SUMMERS: There is a general mission statement,
16 there's a proclamation.

CHAIRMAN THOMAS: Is that accessible?

MR. SUMMERS: The General Management Plan?

CHAIRMAN THOMAS: Yeah.

MR. SUMMERS: Yes. I don't have a copy with me today,
25 but I can provide the regional council with a copy of the
26 approved, current General Management Plan. I was going to add
27 that there's also additional direction for management in
28 ANILCA, I think in Title II, the new additions to the park.

CHAIRMAN THOMAS: Okay. Wanda had her hand up.

MS. CULP: We've got a copy of the General Management
33 Plan that you can look at. It's very generic and very general.
34 It does not even begin to properly address the cultural
35 aspects of the park.

CHAIRMAN THOMAS: Well, that's what I was interested
37 in. I wanted to see what the plan implied. I wanted to see
38 what was so secret about the stewardship remaining where it's
39 at. I want to see what in there is considered an improvement
40 over letting the rightful owners manage the area, that's what I
41 want to see. Mim.

MS. ROBINSON: Yes. I'm curious, how often is the plan
43 revised or looked at or whatever, renewed?

MR. SUMMERS: As a general rule, I believe, every 10
46 years. That's just a general rule.

MS. ROBINSON: So was it revised in 1990, maybe, or
49 when -- do you know when the last time was?

50

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MR. SUMMERS: Well, there's no -- I'm not that familiar, but I can find out what the schedule is, but like I said, it was approved in the mid-'80s and I'm sure that if you had input into management, you know, it's an open door policy, as far as making recommendations. It's also opportunities for different services. There's the guidance from Title XIII, direction to consider Federal managers to consider (indiscernible - away from microphone) rural residents as a source for services.

MS. WILSON: I can't hear you.

MR. SUMMERS: I'll sit closer.

CHAIRMAN THOMAS: You're competing with a wind tunnel back there, but -- okay, do you have some more comments?

MS. CULP: Yes.

CHAIRMAN THOMAS: Come on up and share the mike with Clarence. This is a peaceful meeting now. I don't want you guys to spoil it.

MR. SUMMERS: My sister's name is Wanda.

CHAIRMAN THOMAS: I wonder why.

MS. CULP: The Hoonah Indian Association in the past

CHAIRMAN THOMAS: Speak into the mike, please.

MS. CULP: The elders traditional council, under the leadership of Richard Shakely and now the Hoonah Indian Association, are making plans to manage the park, Glacier Bay, under the co-management concept. In addition, there's an AGFA committee under the tribe and Mary Rudolph is the chairperson, and we're putting together a preservation and protection plan, cultural, and this -- when we compared the Glacier Bay General Management Plan of 1984 to another general management plan we had gotten from the Southwest Region United States, we found vast differences in which that region addressed all the Federal mandates and laws that the Park Service has that is required when indigenous people are in their home. And we have taken the Glacier Bay to task and we are working very closely with Tim in the regional office, who is working very diligetly to get the Glacier Bay national Park Service into compliance, which also means working with us closely. There's a lot to be learned yet, a lot to be done yet.

We also have a new superintendent, Bill Brady, at the

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-- and we have met him also. And at the meeting in Juneau h25 made it very clear that never again will the indigenous of Hoonah be eliminated from the park in all actions coming forward. So, we're real hopeful that it will develop into a new era of working with the park. And we want to see the general management plan updated because there are 18 Native allotments in the park that's called private lands. And the general management plan now has four different -- four or six different land uses; wilderness and non-wilderness lands, wilderness waters, non-wilderness waters.

CHAIRMAN THOMAS: Well, let me give you a pointer. If you're going to offer a management plan for Glacier Bay, send them a complete list of customary and traditional uses. A management plan has never been approved over there.

MS. CULP: Thank you. Just to make everyone aware that the tribal government of Hoonah is working towards managing not only the park resources but the -- all the resources within our traditional usage area, which includes Forest Service. I'm not talking cooperative agreement here, we're talking co-management plan in which we are an integral part of it. The policies will be made from the inside out, not the outside in. I think, compared to 10 years ago, this is a lot more possible now than it was then, so a lot of battles have already been hurdled. Now I think everyone is pretty much beat into shape as far as the Federal goes, and I think we're all poised and ready to begin working now. If we can get Congress to keep their nose out of things long enough so that one act or the existing acts of Congress that have

CHAIRMAN THOMAS: Did you say Congress or Tongass?

MS. CULP: Congress.

CHAIRMAN THOMAS: Oh, okay.

MS. CULP: It's pretty close though.

CHAIRMAN THOMAS: It is.

MS. CULP: There is current acts of Congress and their resulting regulations that are in existence, that if they are honored properly in the Freedom of Religion Act, Marine Mammal Protection Act, these ones that affect us so closely, if they begin operating the way they're supposed to operate, we won't need any more new acts of Congress to begin fixing what's already there. And ANILCA is a real sore spot with us because under ANCSA it was supposed to balance out ANCSA; what ANCSA very well took away from us, it was supposed to be protected

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under ANILCA in our customary and traditional usage, and now226
they tack words like "urban" and "rural," and I can never
figure out what we are. By the time I figure out what Hoonah
is we're going to be a city, and words like "subsistence" won't
have a damn thing to do with us. You know, when you're talking
about roadblocks

CHAIRMAN THOMAS: Watch your language; there's men
here.

MS. CULP: When we're talking of roadblocks, one simple
word like "subsistence" is a roadblock not only for us as
Native people but in our Native world because it's totally
misunderstanding what it is. Customary and traditional usage
is much bigger than subsistence, and this is what we're using.
If ANILCA wants to use the word "subsistence" we don't need to
use that law in order to get what we need to do in the park or
-- but ANILCA is supposed to work for us, I'd like to see it.

CHAIRMAN THOMAS: Well, what I would do, if you are
considering about hands across Southeast at all, and I would
encourage that, but I think it's time for the tribes and grand
camp to embrace each other in this effort. I'm not so sure
that the corporations of any kind will have that much of an
impact. I think you've got to stay with your customs and
traditions in that approach and with that focus. And I might
encourage you to try to develop some enthusiasm around this
while you're at it.

MS. CULP: Thank you.

CHAIRMAN THOMAS: Thank you. Clarence, do you have any
comments in your defense?

MR. SUMMERS: Well, I'll tell you, I'll close by taking
back everything that I've heard here, both -- well, last night
in individual conversations since I've been in town for the
last three days, and I'll take that back and report to
Bob Barbey, our director. That's why I'm here, to listen. I
appreciate your comments and I respect your viewpoints. I just
want to make that clear.

I can say also that we had a meeting about maybe three
months ago in our Washington office with our Director Kennedy,
and he's tuned in to this and trying to work with the people
here in Alaska to accommodate the concerns of the local people.
Hopefully, Jim Brady, the new superintendent, will hopefully
work and try to improve relations through contact with your
community leaders and organizations.

CHAIRMAN THOMAS: Well, that was very cordial.
Thank you for that acknowledgement. Richard.

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MR. DALTON: Yes. Before we dismiss this, I keep 227
referring back to some findings that there wasn't anybody that
my collection has ever found that Alaska was sold to Russia or
given in any treaty or anything. But here is the landsuit
resolution passed at the Alaska Native Federal in the state
convention. It was done November 26, 1929. There was two
boats from Hoonah that went to this convention. One was
James Grant, on the Alberta, and the other one was Washington
on George Dalton's boat. And during that meeting I did not
bring the minutes, but I have the minutes of that convention.
And during that meeting it was made into a motion by
Frank Sinclair, who is from Hoonah, and also William Shakely
from Hoonah. And that resolution passed in 1929.

I'll read the resolution: Haines, Alaska, November 26,
1929.

Whereas, the United States Government has locked up the
forest so that what was formally ours must now be purchased
from the government that gave us nothing for it;

Whereas, from year to year the condition of the Native
Indians of Southeastern Alaska has been getting worse and worse
so that they now look towards the future almost without hope;
and

Whereas, when the United States Government took over
Alaska from our forefathers, it was a land of plenty, with
rivers heaving (ph) with all kinds of salmon, the woods with
fur, the game animals in the forests were free to us; and

Whereas, the United States Government has locked up the
forests in what was formerly ours must now be purchased from a
government that gave us nothing for it; and

Whereas, the fish in the streams have been taken from
us by the United States Government so that we can neither fish
nor live near our ancient fish streams, not only because

CHAIRMAN THOMAS: Speak into your mike, Richard.

MR. DALTON: not only because in changing -- I
lost my place. I'll start over again.

Whereas, the fish in the streams have been taken from
us by the United States Government so that we can neither fish
nor live near our ancient fish streams, not only because in the
changing civilization the same government has taught us to live
like civilized people and not on a diet of fish like our
forefathers, but also because our government without giving us
a hearing has prohibited us from catching fish in our ancient
fish streams for our support; and

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Whereas, the government has made fishing regulations²³⁸ that only people who can catch fish with (indiscernible) are those who can afford to invest from 10 to \$25,000 in a huge fish trap; and

Whereas, all of this has reduced our people so our people average less than \$150 to a family of five, all of which endangers the health of our children; and

Whereas, all of this responsibility must be laid at the door of our own government;

Therefore be it resolved, that we petition in the name of the Alaska Native Brotherhood, that great organization of our people, comprising over 5,000 Native Indians of Southeastern, to the Congress of the United States, for relief; and

Be it further resolved, that Congress be asked to delegate a committee of fair-minded men to investigate our condition with money to get the evidence uninfluenced by different views which are directly responsible for our condition; and

Be it further resolved, that copies of this resolution be sent to each senator and representative of the Congress of the United States with the hope that some day one may be touched to ask justice for us.

Adopted by authority of the Grand Convention of the Alaska Native Brotherhood in their annual convention meeting in Haines, Alaska, November 26, 1929. William L. Paul, Grand President; Frank G. Johnson, Grand Secretary.

In (indiscernible) this lawsuit there was no land mentioned that they were suing for. So it appears that they just went ahead and took the land anyhow, regardless of whether they gave us the privilege of coming to us to see if they could take Glacier Bay. There was no such a thing. The proclamation was never understood by the Tlingit nation in Hoonah because it was never interpreted to them what the Park Service, or at that time it was known as a monument, that they would say that we're going to take over Glacier Bay. So, a signatory at this time is going to be a very fluent evidence whereby Hoonah people have signed Glacier Bay to the United States, and I don't think I've found anything like that in the United Nations.

CHAIRMAN THOMAS: What's the date on that resolution, Richard?

MR. DALTON: November 26, 1929.

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CHAIRMAN THOMAS: In 1929, in regards to natural 229
resources in the world, they recognized distress in 1929. That
resolution would do well in describing conditions now, although
1 the magnitude of distress has really been exaggerated since
2 1929 to now. So -- but that was a good resolution. It gives
3 you a good history of what the concerns of the indigenous
4 people were, even back then, and then it took a lot of study
5 and data collecting even back then to come up with the language
6 to come up with a resolution like that together. So, it's been
7 going on a while. But, again, thank you for your indulgence.
8

9 MR. DALTON: Thank you.
10

11 CHAIRMAN THOMAS: We'll invite you to our next one. Is
12 there anyone else that wishes to be heard that has not been
13 heard? Is there anyone that felt so good about their first
14 time, they want to come up again? Except for Ray. Name, rank
15 and serial number, you know the rules.
16

17 MR. NIELSEN: Ray Nielsen, Sitka Tribe. I just have
18 some additional information that I didn't provide in the first
19 go-round that pertains to proposals.
20

21 I'd like to say that Sitka Sea Otter Commission is in
22 the process of changing over to Sitka Sea Mammal to provide for
23 seals, sea lions, and dolphins under its umbrella.
24

25 And just last week we had our first organizational
26 meeting of the Herring Commission. That's to counter
27 encroachment by the commercial fishers and protect the habitat
28 and the availability of the stock.
29
30

31 And last month I went to the North Pacific Fisheries
32 Management Council to testify on behalf of the subsistence user
33 group. The Alaska Longline and Fishermen's Association paid my
34 way up 'cause they understood that we don't know -- the charter
35 industry -- and I testified in front of the advisory panel,
36 which is 20 members, which included one from Sitka and one
37 Native girl who understood the subsistence lifestyle, and she
38 enlightened the panel members as to where I was coming from,
39 and after that one I testified in front of the council, and
40 there were 16 members and one from Sitka. So, if I hadn't been
41 there, allocations of quota would've been divied out and it
42 would have been commercial fishermen and charter. Charter
43 represents sport. I told that charter group, better not
44 support it, subsistence is the other user group that I went to
45 represent. So, it worked out quite well, and they took no
46 action, they had to confer with their lawyers on both sides,
47 and they decided that there was another user group, and the
48 charter could not be there representing themselves under the
49 guise of sport.
50

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1 So, the process did work. So, I know the Alaska 230
2 Longline Fishermen were recognizing the fact that the
3 subsistence user group is important to any community. And
4 that's why we live here on the coast; we like the bountiful
5 abundance of natural resources.

6 And I'd like to say that Sitka Tribe does enjoy the
7 privilege of using the government to government relationship.
8 The users are in exercise there with the Forest Service, and
9 the tribe protects subsistence habitat and cultural sites. It
10 was real hard for them to do that, but they understood that we
11 meant business, and we did, and it does work. And we plan on
12 using that government to government relations with all Federal
13 agencies.

14 And we are still working with other agencies and
15 passing on our knowledge and documentation that we gather from
16 archives, libraries, photos, videos, and oral testimony. And
17 we have an intern at law school who worked for us last summer
18 who will be coming back, and he put together a paper for his
19 class -- I have one copy here of it, that's just a draft. So,
20 he learned well working with the tribe doing legal research to
21 promote him and the tribe and his paper.

22
23
24 And, finally, I'd like to say that Sitka Tribe worked
25 with the Alaska Department of Fish & Game and the Germans, and
26 they did a documentary on herring fishing last spring to cover
27 the commercial aspects and the subsistence. It was done quite
28 well, but it was in German, and we are -- we don't understand
29 German. So, since then I've sent for a copy of the master tape
30 and we're going to do it in Tlingit and English and make it
31 available to the public, as soon as we're done with that.
32 Thank you.

33
34 CHAIRMAN THOMAS: Thank you, Ray. We're still --
35 Frank, your name, rank, serial number?

36
37 MR. WRIGHT: My name is Frank Wright, I'm a fisherman,
38 and have been a fisherman all my life. And one of the things
39 I'd like to talk about is in order for a person to be going out
40 in subsistence or even jigging halibut or anything like that,
41 they have to -- their trolling vessel, it cannot be licensed by
42 the State, and I think that I, as a fisherman, who try to make
43 a living out of it, I don't think I can afford to be buying
44 another skiff just so I can go out and jig halibut and have
45 subsistence in my skiff. And I think that that law needs to be
46 changed in a way that if I want to go out and jig halibut or
47 anything like that, I could go do it in my commercial skiff.

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And it needs to be changed because when you're only 231
allowed two halibut in your vessel at a time, then you have to
run in, get rid of it, go back out, get two more, go back in,
go back out, and it's defeating the whole purpose of
subsistence, 'cause I'm out there to subsist so that I could
provide for my family and my mom and whoever needs a fish. So,
subsistence, the word means to go out and get -- without having
to spend more than what you already have. So, I think that law
needs to be changed in a way where we can do whatever -- do it
whenever we want to.

Another issue that I have a lot of concern is with the
logging that is going on in this area here. You know,
Sealaska, Hoonah Totem, they don't follow any forced practices,
acts or anything, there's no one that even comes over to spank
them or anything like that, they just go ahead and do it, they
log right to the rivers. They log right to them and take
everything. And it's detrimental to the deer habitat in this
area. The biggest deer habitat we had has been logged off
completely, and this year for the amount of snow that we've
had, I'd say about five feet, and if you know of a deer -- or
anybody, he's not going to be standing around in snow that is
five feet. Deer have no place to go but the beach, and some of
this buffer shift that is left behind, whatever buffer shift is
left on the coastline by Sealaska concentrates the deer within
those little buffer shifts. So deer have no place left to go
but the beach. So hunters have a hay day.

One time I heard this one guy say, "Well, I got seven
yesterday, nine today." And, so, we're really being hit hard.
He also told me, he said, "This year is the first time that we
noticed the difference in the deer that come out of a clear
cut. The deer that come out of a clear cut are so skinny they
can hardly even walk around. They walk around kind of
staggering." But if you go -- he said, "I went down toward
Mud Bay and got some deer where there wasn't any clear cuts
yet," he said, "those deer were considerably fatter than what
we had around the Hoonah area."

So, one of the concerns that concerns me is that if the
landless bill goes through and LUD II areas are considered,
which is part of the other side of Point (indiscernible) that
is where there's some timber that wildlife can sustain their
lives. So, when we've got three and potentially four entities
that are going to be logging within the Hoonah traditional
usage area, we are going to be hit so hard it's going to -- you
know, it's going to really devastate the community, especially

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the culture. And I've always spoken on behalf of our cultur²³²
and that's the way I will stand always. I will not stand for
-- I never, ever stand for money coming out of corporations
'cause I know they will never give us enough money to sustain
our lives once all this devastation has happened. So, I would
-- I believe that the landless do deserve compensation, but I
think that we really need to sit down and reconsider where
they're going to do it and how they're going to do it without
having to be adversely effective to a community that's already
been devastated by the logging industry.

10

11 I've spoken to Sealaska, I've spoken to Hoonah Totem
12and I've asked Hoonah Totem what will the impact be on Hoonah
13once you are done logging. It took them -- it took me four
14times to ask them the same question, over and over and over
15again, and the fourth time I finally just got angry and I just
16practically had to yell at them and say, tell me what the
17impact is going to be on Hoonah once it is done. And they --
18the spokesperson for that -- on that board of directors, he's a
19friend of mine, he just said, "Well, Junior, we are a
20profit-making organization and we have to do it without any
21consideration to the culture of this community or the feelings
22of this community." So, it worries me that if Congress is
23going to put another bill in there, that's going to devastate
24our area further, that I don't know where our Native people of
25Hoonah are going to turn. Thank you.

26

27 CHAIRMAN THOMAS: Thank you, Frank. Starting with your
28licensing to allow for subsistence on a commercially licensed
29vessel, I agree with that. As a result of that I've got a
30fleet of boats in my yard; one for berry picking, one for
31halibut, one for cohos, you know? And then they say we need to
32be economically depressed to qualify for subsistence. That's
33why I'm economically depressed. I can't keep up with all the
34gear to go after anything. So, anyway, but that's a good
35point, and it's a dumb law. But not very many laws have been
36classified as smart anyway.

37

38 Getting back to your plight with the harvesting of
39timber with profit-making corporations. I'm going to offer you
40my opinion, as probably something you will regret hearing. And
41that is to suggest that since it is a corporation, it's
42shareholder responsible, you're a shareholder in both Hoonah
43Totem and Sealaska, and the only people I know of that can do
44anything with a privately owned corporation is its members.
45And, however, if there's some way we can be of some influence
46to that, I can't speak for the council, but I would be willing
47to help in that area, because I agree with it.

48

49 Are there any comments around, any of the council or

50

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MR. ANDERSON: Mr. Chairman.

CHAIRMAN THOMAS: Lonnie.

MR. ANDERSON: Frank, the problem is not just unique in Hoonah. We have experienced the same thing in Kake, and we recognized this 10, 12, 14 years ago that timber would be decimated, and some of the -- Barbara Kadake (ph) and a few of the other ones said what are we going to do? And so we began to develop an economic development plan that would take us away from the dependence on timber and back to fishing. And it appears to be very successful. We have completed a new hatchery which would supply fish for cold storages operating now, and we are getting involved in some value-added products with the chum salmon. This will take up the slack of unemployment that a lot of industry will create, but at the same time all of the timber money that has been made from the timber is gone.

So, we basically are maybe a step ahead of you in that aspect, but those are some of the things that we have begun, and it's been a long, hard road. We have what we call an economic development plan meeting that takes place at least once a month, if not more often, which includes the organized village of Kake, the fish hatchery board, the Kake Tribal board and the coast -- the Kake fisheries; about five entities plus the municipality. And so we picked goals that each one of those entities can accomplish in the line of economic development so that we will not be duplicating each other's -- getting into each other's way and each one of the entities can have their own little castles. You know how we are, we all like to think that we're the most important one of the five groups. But each entity tries to accomplish what -- say the cold storage, they get new markets or things of that sort. Say a new water supply, things of that sort. And it seems to be working. That might be one of the things that you need to start -- you know, you're involved with Hoonah, and it's very important to start thinking along that line. It's taken 10 or 12 years of hard sitting down and being abused type situation because the parent corporations don't have answers for that question that you just asked. When the timber is gone, you know, it will be like the kid with the dish water, it will be thrown out. Thank you.

CHAIRMAN THOMAS: You know, most things are pretty easy

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to understand, but you wonder how in the hell

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MR. ANDERSON: Watch your language.

CHAIRMAN THOMAS: can people -- yeah, can people that claim to embrace customary and tradition, our cultures, they cry about their heritage, but still, they'll draft up a logging plant just like you described. Doesn't sound too good to me, you know. Maybe that's where the mistrust started or comes from. But we don't seem to recognize it, everybody else thinks it's okay.

Well, I don't know. I agree. Mim, are you interrupting me?

MS. ROBINSON: There's been something that I've been wanting to say and I'm just -- I'll wait till you're done.

CHAIRMAN THOMAS: You've got the floor, Mim.

MS. ROBINSON: Thank you, Mr. Chairman. I just -- what's been talked about today and kind of where my mind is going here, it has to do with how much interference the Federal government can have with private land, or even State government, what's done on private lands, and it seems to me I've been hearing things about spotted owl and other issues, other endangered species and stuff, and just how much can government say is done on private lands? And to me that is -- it's a problem in our state, here in Southeast, and I think that if Murkowski's bill is introduced to deal with the landless Natives issue and the logging that people want to do and stuff is going to come up again, and I just -- I don't think this council can do anything about it right now, but I think that if there are going to be some hearings coming up dealing with that legislation -- the proposed legislation, that we should be thinking about that, and thinking about how we feel about it.

Do we -- if a large area of land is given to the tribes in the future here, is it going to affect subsistence in our area? It sounds like it's affected subsistence in the Hoonah area, and if a large number of people are affected by what's done on private land concerning subsistence, then perhaps that's something that, you know, maybe some law should be made concerning subsistence use on private lands and -- you know, how much controlling -- applying what is done on public lands to what is done on private lands in that respect. So, anyway, it's just something to think about in the future here.

MR. WRIGHT: One of the things that kind of bothers me,

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1 too, is, you know, the Federal government is required to do 235
2 environmental impact statement on where we're going to be
3 cutting, but then you get to private lands, there's no such
4 thing. I used to work for Hoonah Totem in 1981, but after I
5 saw what was going on, I just couldn't do it anymore, and one
6 of the -- like Mr. Anderson here said, try to diversify the
7 economy, and one of the things we tried to do was get into the
8 fisheries, but that kind of fell through, too.

9 I thank you guys for listening because I think we are
10 at a critical point where the total existence of our tribe is
11 at stake here, and I believe that in order for us to survive we
12 have to be able to use the natural resources that are
13 indigenous as we are indigenous people. Thank you.

14 CHAIRMAN THOMAS: Frank, have you given these concerns
15 in writing?

16 MR. WRIGHT: Mostly I've only gone to informational
17 meetings and addressed the board.

18 CHAIRMAN THOMAS: Okay.

19 MR. WRIGHT: Last

20
21
22
23
24
25 CHAIRMAN THOMAS: Let me tell you what I learned from
26 (Tlingit name). One thing they said, if it isn't written, it
27 isn't said, and it's very true. Since then I learned how to
28 write and it's served me very well. You have a paper trail.
29 And the reason I'm saying this to you is when you write things
30 you learn how to be specific on what your concerns are, and
31 when you're listing your concerns, list them as violations.
32 Find somehow to list them as a violation, and that usually gets
33 their attention, you know. And if you can't offer what you
34 think would be a workable alternative -- it requires a little
35 doing, but you've got some active people, some bright people
36 here in Hoonah, and you guys have got your problems all on the
37 table, you don't have to look for them. All you've got to do
38 now is identify them and present them. And I have a hunch that
39 might get you some results.

40
41
42 MR. WRIGHT: When I found out about the Murkowski bill
43 I went to the different organizations to get some resolutions
44 that were -- they can go on record as opposing logging, and I
45 got a resolution from ANB, ANS, the local Tlingit and Haida,
46 the City of Hoonah, and the IRA, which has been sent to
47 Murkowski, Stevens and Young, Tony Knowles, AFN, Grand Camp,
48 ANB Grand Camp, ANS Central Council. So we did put a little
49 bit of work in here to let them know the feeling of the total
50

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1 CHAIRMAN THOMAS: That's a good start. But listen to
2 what I said about being more specific. Thank you very much.

3 MR. WRIGHT: Thank you.

4 CHAIRMAN THOMAS: Is there anyone else that would like
5 to address the council or use this forum for any information or
6 want any money? Tom?

7
8
9 MR. ABEL: Thank you, Mr. Chairman. I'd just like to
10 take this opportunity to thank the council for meeting in the
11 village. I think it's a great step forward and I'd like to
12 congratulate you for supporting the Hoonah IRA in their request
13 for seeking management of their own resources. It is something
14 that I support. I think that is one direction that this
15 council should consider in moving. We all know that
16 Newt Gingrich is in Washington DC, he's promoting less
17 government and more local control, and by local control when I
18 say local control, I mean tribal control, and I don't know what
19 other -- you know, other people may have other types of control
20 that they wish to use, but I think strengthening our tribal
21 authority and jurisdiction through the use of subsistence is a
22 great opportunity for this council to take on.

23
24 And with that in mind, having heard a lot in the last
25 couple of days about habitat destruction and habitat in
26 general, private timber harvest, Federal timber harvest, State
27 timber harvest, I'd like to take this opportunity,
28 Mr. Chairman, to invite the Federal Subsistence Council to meet
29 in the island of Prince of Wales Island. There are three
30 communities or four communities, whichever you'd like to choose
31 there. I'm from Craig. I think that it could be very easily
32 suggested to the other communities of Klawock and Hydaburg. If
33 we have three-day meetings, I think it would be nice if we had
34 a meeting in Klawock.

35
36 CHAIRMAN THOMAS: We'd like to go there. Would you
37 like to invite us in the capacity of South Sea or

38
39 MR. ABEL: Well, that is the capacity that I have in my
40 title, you know.

41
42 CHAIRMAN THOMAS: Okay. So you're chairman now?

43
44 MR. ABEL: Yes, I am.

45
46 CHAIRMAN THOMAS: Okay.

47
48 MR. ABEL: And I'd like to take this opportunity to do
49 that. And I'd also like to share with you that we've been
50

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trying to work together with the other village corporations, 237
and Bill is the former chairman of South Sea also, so we all
share responsibility for some of the things that have happened
in our own country.

And I'd like to share with the council the part of the
philosophy of our directors now is we have to begin with the
restoration process, and I'd like to let you know that that's
underway. The planning is something that is underway, and I
think that if you should choose to come to Prince of Wales
Island for your next meeting that you could first-hand review
the effects and have a nice opportunity to speak to the various
members of various different communities, Native and
non-Native, about their subsistence needs and concerns. And as
you all know, Prince of Wales is the most heavily logged island
in Southeast, and so with that in mind

CHAIRMAN THOMAS: Is there still Calder Bay oysters?

MR. ABEL: Yes, there are.

CHAIRMAN THOMAS: All right.

MR. ABEL: You'll have to talk to Helia (ph) about
that. They are for sale. So, I'd like to, again, thank you
and congratulate you for meeting in the villages, which is the
way it should be. Thank you, Mr. Chairman.

CHAIRMAN THOMAS: Thank you, Tom. Tom has been an
advocate for travel involvement and travel control for many
years. He's one of our oldest radicals, and he is following
and growing by leaps and bounds after a long stalemate, but I
take my hat off to Tom. Congratulations and thank Ernestine
for the jam. Hank.

MR. NEWHOUSE: I'll go on record with the Forest
Service offering to co-host the next council meeting for the
Prince of Wales Island.

CHAIRMAN THOMAS: And what palatable goodies can we
expect from the Forest Service?

MR. NEWHOUSE: Amaretto coffee all right?

CHAIRMAN THOMAS: That will work. Thank you, Hank.
That's the spirit it's going to take for us to continue to move
forward. Anyone else? Marilyn?

MS. WILSON: Yes, Mr. Chairman. I was wondering if we
could take any action on -- like I think I asked this question
before, if we could support Hoonah's petition or resolution,
and that was co-management, I think it was. And I'd like to

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1 see us at least do something like that to say that as council238
2 members fighting for the rights of subsistence and subsistence
3 protection, I don't see why it would be -- I think we could
4 write a letter of support for this resolution.

5
6 CHAIRMAN THOMAS: The power of the council is in your
7 hands. What's the wish?

8
9 MS. WILSON: I so move, Mr. Chairman, that we support
10 this resolution.

11
12 MR. ANDERSON: Mr. Chairman, I second that motion.

13
14 CHAIRMAN THOMAS: It's been moved and seconded.

15
16 MS. WILSON: There's two resolutions.

17
18 CHAIRMAN THOMAS: Would you read the motion? No, you
19 don't have to. I'm teasing you. The secretary is gone, we
20 don't have name tags in front of ourselves, I don't know who in
21 the heck we are.

22
23 MS. WILSON: Mr. Chairman, I move that the Southeast
24 Federal Regional Council support Resolution Number 94-13 and
25 Resolution Number 94-14, by the Hoonah Indian Association. I
26 so move.

27
28 CHAIRMAN THOMAS: Thank you.

29
30 MR. ANDERSON: I still second it.

31
32 CHAIRMAN THOMAS: We'll have discussion now.

33
34 MS. ROBINSON: Mr. Chairman.

35
36 CHAIRMAN THOMAS: Where's your name tag? Mim.

37
38 MS. ROBINSON: These tables are set up weird this time.
39 I can't see anyone. Yeah, I'm just curious. Are they the
40 same as the ones that were handed out to us that are 95-05 and
41 506?

42
43 (Indiscernible - away from microphone)

44
45 MS. ROBINSON: I know, but I'm wondering if we should
46 be dealing with the current year rather than '94. Are they
47 identical, someone from Hoonah?

48
49 MS. WILSON: Mr. Chairman, there's a 95-05 here that we
50 got.

MS. PHILLIPS: You're correct.

MS. ROBINSON: Are they the same?

MS. PHILLIPS: The first one is. 95-05 is the same as

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1 MS. ROBINSON: I would suggest then that the maker of
2 the motion use the Resolution 95-05.

3 CHAIRMAN THOMAS: We'll make those corrections in our
4 recording.

5
6 MS. WILSON: Okay, I so move, that would be 95-05.

7
8 CHAIRMAN THOMAS: Okay. We've got it. Discussion?

9 MR. FELLER: I'll call for the question, Mr. Chairman.

10
11 CHAIRMAN THOMAS: Question has been called. All those
12 in favor, say aye.

13
14 IN UNISON: Aye.

15 CHAIRMAN THOMAS: Opposed, same sign?

16
17 (No opposing responses)

18
19 MS. WILSON: Mr. Chairman.

20
21 CHAIRMAN THOMAS: Is that an opposed?

22
23 MS. WILSON: No. Are we still holding?

24
25 CHAIRMAN THOMAS: Motion carries.

26
27 MS. WILSON: I have something else.

28
29 CHAIRMAN THOMAS: Marilyn.

30
31
32
33 MS. WILSON: I'm pretty happy that we're supporting
34 this resolution. I think our people need backup as much as
35 possible. I wanted to bring something else up that was in our
36 book. It's the petition that is from the -- golly, a whole
37 bunch of them from the Northwest Arctic Regional Council,
38 Stevens Village, Kawerak, Copper River, Alaska Fed of Natives,
39 Alaska Intertribal Council, RurAL CAP, and it's a petition for
40 rulemaking by the Secretaries of Interior and Agriculture that
41 selected but not conveyed lands are to be treated as public
42 lands for the purpose of subsistence priority in Title VIII of
43 ANILCA, and that the uses on non-public lands in Alaska may be
44 restricted to protect subsistence uses on public lands in
45 Alaska. I am assuming that the non-public lands in Alaska,
46 they mean any large areas of privately owned land like Native
47 land that we log and

48
49 CHAIRMAN THOMAS: And State lands.

50

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MS. WILSON: and any other kind. I think this is what we've been talking about on this landless, the like?

CHAIRMAN THOMAS: Marilyn, we don't have order, but you're out of order. I'm going to wait till we've heard from everybody. I'd appreciate your indulgence. Is there anything that the council would like to add about where we have our next meeting?

MS. JORGENSEN: I'd like to add pass on something about Tom Abel's invitation. Vicki LeCornu called me this morning, she said she's from Hydaburg, would extend an invitation to meet in Hydaburg, but also wanted to lend support to Tom's invitation.

There's just one other comment, that when we look at our Native lands in protecting them forever, Alexander from Fort Yukon, we talked for years. But one of the things he did when he became chairman was to transfer the land to the Native tribal council so that the land, if for whatever reason the corporation went bankrupt or someone was suing them, the land was forever protected and was Native land and Indian land. And that was just -- I found that real interesting, and my thoughts were, too, that in that sense the traditional council and corporations should be a good marriage, working together rather than not working together. But I just wanted to share what Clarence had done.

CHAIRMAN THOMAS: If we meet in the Craig area, I would prefer Ben's Cove. Any place on Shonda (ph).

MR. LEE: Yes, I'd just like to go on record, thanking the Southeast Subsistence Advisory Board for a letter of support for Resolution 95-05. I'm the vice president of the Hoonah Indian Association. So, I'd like to thank the board for the letter of support. Thank you.

CHAIRMAN THOMAS: Thank you. Anyone else?

MR. ANDERSON: Mr. Chairman. Would you need a motion from the council to go on record recommending the next meeting be held in Klawock?

CHAIRMAN THOMAS: I didn't say anything about Klawock.

MR. ANDERSON: Klawock is -- and Dewey is a board member and he is responsible and he'll have as good a reception as Richard did here.

CHAIRMAN THOMAS: Dewey's not responsible, Tom is.

MR. ANDERSON: Well, I was worried about the chapter.

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CHAIRMAN THOMAS: Hey, we're okay. Those are brothers and sisters out there. A motion, that will take care of our next meeting place. So a motion is in order. The invitation came from Craig, Lonnie.

MR. ANDERSON: Mr. Chairman, I make a motion that our next advisory council meeting be held on Prince of Wales Island.

CHAIRMAN THOMAS: At Craig, Klawock, Hydaburg?

MR. ANDERSON: To be decided, which city.

MS. PHILLIPS: Second.

CHAIRMAN THOMAS: Moved and seconded. Discussion? Do I hear Hydaburg, Stikine inviting us?

MR. FELLER: Mr. Chairman, I think this is a good motion, but I think you forgot that last year when Hoonah invited us, you had an executive order there that it would be in Wrangell next year, but I'm just jogging your memory there. So, Wrangell is one of the landless and would be a good place to have a meeting, but I would go ahead and support this motion, myself, and try to go for it the next time. I was just jogging your memory.

CHAIRMAN THOMAS: You can't, I don't have one to jog. If we meet in a landless area, there's no land, there's

MR. FELLER: But there's

CHAIRMAN THOMAS: there's no real choices,

MR. ANDERSON: No subsistence.

CHAIRMAN THOMAS: no subsistence

MR. FELLER: The Stikine River is real rich in subsistence food, Mr. Chairman.

MS. PHILLIPS: Question.

CHAIRMAN THOMAS: Question has been called. All in favor, say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed?

(No opposing responses)

CHAIRMAN THOMAS: Okay. I'm assuming then that there

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is no one else from the audience. We're running short on time⁴²
and you guys will all be considered cut-off at this point,
'cause Marilyn has some pressing stuff for us to do.

We'll go back to what you offered earlier, Marilyn,
we'll do that first.

MS. JORGENSEN: In the back of our books there's two
things, actually. There's the Federal Subsistence Management
and Program Briefing document, and the issue is residency and
license requirements for participating in Federal subsistence
hunts, and rather than I take time to read that whole thing, we
could take a few minutes and read it as a break, and look at
the options and see if there was any recommendations you wanted
to make to the Federal Subsistence Board, and then Marilyn
mentioned the petition for rulemaking by the Secretaries of
Interior and Agriculture, and I'm not sure what we're looking
at other than if we want to go on record to the board that we
would support the petition for rulemaking or not support or
don't want to have any comments or what.

So, on the first part, on the residency issue, do we
just want to take a few minutes and read that? Okay. I'll
declare a 10-minute break.

(Off record)

(On record)

CHAIRMAN THOMAS: You folks have had a chance to read
the document to define residency. After having read the
information on residency does anybody have an option to bring
it forward for consideration?

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: In the letter from Tom Allen, State
Director, on the third page, he gives an option. I would move
to prefer.

CHAIRMAN THOMAS: Would that be option B or option C?

MS. PHILLIPS: Well, it's in the third letter from
Tom Allen.

CHAIRMAN THOMAS: Oh.

MS. PHILLIPS: It's "the pertinent valid resident State
hunting, fishing, and trapping licenses unless Federal licenses
are required or unless otherwise provided for in these
regulations." What did we do to the language is insert
"resident."

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CHAIRMAN THOMAS: So, you would like to offer to insert²⁴⁸
the word "resident"?

MS. PHILLIPS: Yes.

CHAIRMAN THOMAS: Did you so move?

MS. PHILLIPS: Yes.

MS. WILSON: Second.

CHAIRMAN THOMAS: Marilyn, you don't have your name tag
up. It's been moved and seconded, on the third page in a
letter by Tom Allen. Has everybody gotten to that page? Okay.
"the pertinent valid resident..." -- it's underlined,
indicates as being inserted -- "...State hunting, fishing, and
trapping licenses unless Federal licenses are required or
unless otherwise provided for in these regulations."
Discussion? Mim.

MS. ROBINSON: Yes, I haven't had time to read this
letter yet but I did notice on page 2, at the bottom, preceding
this option that's made on page 3, it says the old wording --
it doesn't have the word "resident" in there, and then it says:
"This wording allows a person that moves to a rural community
in Alaska from outside the state, establishes a residence in
that community, and obtains a non-resident hunting license to
qualify to hunt under Federal regulations." So it's a little
bit of an explanation of where he's -- or why he made that
option there.

CHAIRMAN THOMAS: That's true, and that's going to
happen, because of the difference between State and Federal.
Further discussion?

MS. ROBINSON: Question.

CHAIRMAN THOMAS: Question's been called. All those in
favor, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed?

(No opposing responses)

CHAIRMAN THOMAS: Motion is carried. I read through
this petition from other regions up north, and my assessment is
to suggest no action from this council. It doesn't qualify how
they arrived at the allegations that they're mentioning in
here, and we've got a bunch of professional, astute posturers
in these regions, so this is a typical exercise for those guys,
and so I don't think we necessarily want to identify ourselves

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with them in each case. So, my recommendation would be no 244
action. Mim.

1
2 MS. ROBINSON: Yes. This section here that we're
3 talking about, these petitions, it goes with what I was saying
4 earlier. I didn't realize it was in the book here, but it is
5 dealing with that issue of -- that I had talked a little bit
6 ago about private lands and what's done on private lands, and
7 for myself, I don't feel ready to make a decision on that at
8 this time.

9
10 CHAIRMAN THOMAS: I'm not following you.

11
12 MS. ROBINSON: Well, on page

13
14 CHAIRMAN THOMAS: What are you referring -- what action
15 are you referring to?

16
17 MS. ROBINSON: You were just saying you suggest we
18 should not take an action on this.

19
20 CHAIRMAN THOMAS: On this petition?

21
22 MS. ROBINSON: Right.

23
24 CHAIRMAN THOMAS: Yes.

25
26 MS. ROBINSON: Yes. Well, I'm kind of saying the same
27 thing, and I'm saying why.

28
29 CHAIRMAN THOMAS: Oh, yeah. Yeah.

30
31 MS. ROBINSON: Okay. Well, on page 26 of this petition
32 there's a "Conclusion."

33
34 CHAIRMAN THOMAS: Right.

35
36 MS. ROBINSON: Which is, it says: "For the foregoing
37 reasons, petitioners respectfully request that the following
38 two actions be taken:

- 39
40 1. an interpretive rule be promulgated which states
41 that the federal government has the authority to regulate
42 hunting and fishing on non-public lands if such uses interfere
43 with subsistence uses on public lands; and
44 2. an interpretive rule be promulgated which places
45 selected but not conveyed lands within the purview of the
46 subsistence priority."

47
48 So, I -- that is dealing with what I was talking about
49 earlier and what the gentleman from Hoonah, Frank Wright, Jr.,
50

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brought up in his concerns for this area.

245

CHAIRMAN THOMAS: The Chair entertains a motion?

MS. ROBINSON: No, I'm not going to make a motion, but I am reinforcing

CHAIRMAN THOMAS: A motion for no action?

MS. ROBINSON: Okay. Do you want one?

CHAIRMAN THOMAS: Yes.

MS. ROBINSON: Okay. Then I'll make that motion, and I also have a question for Carol.

MR. FELLER: I'll second that motion. It needs a second.

CHAIRMAN THOMAS: It's been moved and seconded. Discussion? Mim.

MS. ROBINSON: Thank you. Carol, it says on the next page, after that page 26, comments must be submitted on or before, and the insert date or whatever. I see there's some handwriting there, probably April 3, 1995? So, this -- I take it that this petition can be commented on; is that correct, and is that date accurate?

MS. JORGENSEN: I'm not positive about that date, Mim. I'd have to ask, but I would say since it's penciled in, we should use it, and it wouldn't be before that anyway.

MS. ROBINSON: Okay. Thank you very much.

MS. WILSON: Question.

CHAIRMAN THOMAS: Question has been called. All in favor, say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed?
(No opposing responses)

CHAIRMAN THOMAS: Motion carries.

MS. WILSON: Mr. Chairman.

CHAIRMAN THOMAS: Marilyn.

MS. WILSON: Mr. Chairman, I just wanted to bring up some concerns of my community on these that are on state lands,

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but it seems like we could at least give a position or our 246
ideas on it.

1 One is the removal of the Chilkoot weir which our
2 people have been trying to do for many years, and the other is
3 a fish egg take or hatchery, and we are going to be making
4 resolutions to this effect to not allow fish egg take or
5 hatcheries in the Chilkat and Chilkoot Lakes or the rivers, and
6 all of Lynn Canal area.

7 And the other one is the hydroelectric dam they want to
8 build up in the Chilkoot area, and it's in a very sensitive
9 area of what we call -- oh, gosh, what was the name of that --
10 the Glory Hole, and all of our people are really up in arms,
11 and we're going to be sending resolutions to the right places,
12 but I wanted to bring it to the attention of the -- what we
13 have left of our council here and see if there's anything or
14 any ideas they can give us.

15
16
17 MS. JORGENSEN: Marilyn, I'm glad you brought those up.
18 I'll expound a little bit. One of our chiefs who passed away
19 a little over a year ago, Austin Hammond, was one of the people
20 that had been requesting for years and years and years and
21 years that that weir be removed, and requesting to the
22 Department of Fish & Game Commercial Fisheries, and we actually
23 had Brian Alee -- Dr. Brian Alee (ph) come up one year and
24 speak with us, and he agreed that that weir -- and this is a
25 man that works with hatcheries and so on, that he agreed that
26 the people were right to want that weir out.

27
28 On the fish egg take, there's two gentlemen that I work
29 with, Cal Caspit (ph) in our area explained to me in the river
30 where they wanted to take the eggs before, there's two
31 indigenous sockeye runs there, that tampering with these eggs,
32 if they tamper with these they certainly can get fish, but
33 they're not going to get the same kind of fish and it won't be
34 returning properly is what was explained to me or could happen,
35 and the people know this and they've been concerned in and
36 fighting this for a long time.

37
38 And I also know about the hydro-electric dam and the
39 great concern that people have for that. But I just wanted to
40 expound a little bit on the two before because Austin remembers
41 the day when there were so many fish in that river and ever
42 since the weir was put in, and I think it was around statehood
43 there's never been the same happening there.

44 CHAIRMAN THOMAS: Did you get the response, Marilyn?

45
46 MS. WILSON: Yes. I'd like to get the names that you
47 mentioned on that, about the indigenous sockeye and the fish
48 egg take.

49
50

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CHAIRMAN THOMAS: Does that respond to your concerns?²⁴⁷
Marilyn, do you have more?

1 MS. WILSON: No, that's all I have. I just wanted to
2 know -- I'd like to maybe make a motion to have this council
3 support whatever Haines ANB and ANS do, we're the ones making
4 the resolution. I so move.

5
6 MS. PHILLIPS: Second.

7
8 CHAIRMAN THOMAS: It's been moved and seconded.
9 Discussion?

10 MR. FELLER: Are there resolutions already made,
11 Marilyn?

12
13 MS. WILSON: No, I would have had to do it after our
14 memorial service we had before I came -- the day before I came,
15 and we just didn't have time.

16 MR. FELLER: Okay. Basically it was just to get rid of
17 the weir?

18
19 MS. WILSON: Basically it was -- it's to start working
20 to get rid of the weir, and I think we'd have to do that
21 through the legislature and those places.

22 MR. FELLER: Okay. Thank you, Mr. Chairman.

23
24 CHAIRMAN THOMAS: Further discussion?

25
26 MR. FELLER: I'll call for the question.

27
28 CHAIRMAN THOMAS: Question has been called. All those
29 in favor, say aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN THOMAS: Opposed, same sign.
34 (No opposing responses)

35
36 CHAIRMAN THOMAS: Motion carries. You know, to get rid
37 of a weir, all you need is a grapple hook and a bulldozer. It
38 sounds kind of weird, but it works. Mim.

39
40 MS. ROBINSON: Yes. I had a question.

41
42 CHAIRMAN THOMAS: My hearing is getting bad, so hurry
43 up.

44
45 MS. ROBINSON: Okay. I have a question about this,
46 going back to the petition. I would like to be able to comment
47 on this before the deadline personally, but I need more
48 information. I wish that this had been dealt with more, it
49 would have been good to have something come from the council.

50

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CHAIRMAN THOMAS: On the petition?

1 MS. ROBINSON: Yeah, just because I think it is a
2 serious issue, but anyway, is there someone that I can talk to?

3 CHAIRMAN THOMAS: We can bring it back.

4
5 MS. ROBINSON: Well, I don't know, if -- it will take
6 some time. I mean

7
8 CHAIRMAN THOMAS: We can take the time.

9
10 MS. ROBINSON: Maybe some other council members can say
11 what they think about this. We just touched on it lightly
12 today. I didn't realize that there was something already that
13 we could respond to, and I'm just sitting here thinking about
14 it a little bit more. I wonder if we're being hasty and not
15 taking the action on this.

16
17 CHAIRMAN THOMAS: Well, the reason I offered no action
18 is because they don't give a source to qualify their charges
19 here, and more than likely the provisions will be found
20 someplace else, and this is not a new thing. But if you would
21 like, there's no harm and no consequence to putting our name to
22 it.

23
24 MS. ROBINSON: You've got me confused. There's
25 no

26
27 CHAIRMAN THOMAS: That's what I'm trying to do.

28
29 MS. ROBINSON: There's no -- you said something about
30 no source, no -- what are you talking about? What

31
32 CHAIRMAN THOMAS: Let me offer something else.

33
34 MS. ROBINSON: Help me out a little bit.

35
36 CHAIRMAN THOMAS: Let me offer something else. Let's
37 disregard my last suggestion to do nothing and let's associate
38 ourselves with that and then we'll learn from whatever
39 follow-up there is.

40
41 MS. ROBINSON: So, are you talking about that we'd be
42 adding our names to the list of petitioners or something?

43
44 CHAIRMAN THOMAS: Yeah.

45
46 MS. ROBINSON: Oh, okay. That I didn't understand. I
47 didn't understand that that was an option that we have. I
48 thought maybe we were just commenting on the petition itself.

49
50

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CHAIRMAN THOMAS: No, it's here for our ink.

249

1 MS. ROBINSON: Oh, I see. Well, I would like to make a
2 motion that we reconsider the motion about taking no action.

3 CHAIRMAN THOMAS: You heard the motion. Is there a
4 second?

5 MR. FELLER: I'll second it.

6
7 CHAIRMAN THOMAS: It's been moved and seconded.
8 Discussion?

9
10 MS. PHILLIPS: Mr. Chair.

11
12 CHAIRMAN THOMAS: Patty.

13
14 MS. PHILLIPS: On one of the pages it lists the
15 departments, but on the second page it gives for further
16 information contact, and Dick Pospahala is one of 'em, and
17 Norm Howse is another one to direct questions to.

18
19 CHAIRMAN THOMAS: Further discussion?

20 MS. ROBINSON: Question.

21
22 CHAIRMAN THOMAS: Question has been called. All those
23 in favor, say aye.

24
25 IN UNISON: Aye.

26 CHAIRMAN THOMAS: Opposed?

27
28 (No opposing responses)

29
30 CHAIRMAN THOMAS: Motion is carried. The Chair
31 entertains a motion to what, associate ourselves to sign this
32 or what?

33
34 MS. ROBINSON: We could do that. I don't know if I'm
35 going to go for it or not, but I'll make the motion that we add
36 our -- add council's name to the list of petitioners and see
37 where it goes from there.

38 CHAIRMAN THOMAS: The motion was to add our name to the
39 list of people submitted by. Is there a second?

40
41 MR. FELLER: I'll second it.

42
43 CHAIRMAN THOMAS: It's been moved and seconded.
44 Discussion? Discussion is exhausted. Is there a call for the
45 question?

46
47 MS. ROBINSON: I don't think it's exhausted at all. I
48 wish Norm was here.

49
50

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MS. JORGENSEN: The only thing I can add, Mim, is that250
well, I just learned a week ago that this was coming down and
1 it was faxed to me the day before, but I do know that this has
2 been very thoroughly a concern up in the Northwest Arctic, who
3 first submitted it and had Eric Smith write it up for them, and
4 then the others joined in. Everybody on this petition has a
5 concern with the fact that they want subsistence rights
6 protected on these other private lands and so on. So, they --
7 it's well thought through on their part. I wouldn't feel
8 comfortable in trying to speak for them or say for or against,
9 but the argument there on page 11, it kind of also gives a
10 pretty good reason for your thinking while you're thinking on
11 this motion.

12 CHAIRMAN THOMAS: Thank you.

13
14 MS. WILSON: Mr. Chairman.

15
16 CHAIRMAN THOMAS: Marilyn.

17
18 MS. WILSON: I did not read all of this and I just
19 didn't do my homework, but to me this is the protection we've
20 been looking for on the lands that we hold, and even the lands
21 that are conveyed lands that we already have. So, I would -- I
22 think I would vote for it, for our names to be on it.

23
24 CHAIRMAN THOMAS: Okay.

25
26 MS. ROBINSON: Mr. Chairman.

27
28 CHAIRMAN THOMAS: Mim.

29
30 MS. ROBINSON: I was just noticing on page 14, it says
31 down at the bottom there, "George Holland has already
32 tentatively agreed with petitioners' position." Also I'm
33 wondering if someone answered this question, with this if this
34 petition were dealt with affirmatively there in the report
35 process or whatever this process is going through, would it be
36 setting a precedent for the nation?

37
38 CHAIRMAN THOMAS: I couldn't answer that.

39
40 MS. ROBINSON: Where is all our staff? Have they all
41 bailed out before we're done? Don't they know that the good
42 things are left to the end?

43
44 MR. THOMPSON: Ken Thompson, Forest Service. I don't
45 think it particularly would. I don't believe that what action
46 is taken on this petition necessarily would have any -- set any
47 precedence nationwide. I'm sure there are probably some
48 attorneys who may look at this action and try to draw some
49 inferences, but we're dealing with ANILCA and the provisions in
50

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1 MS. ROBINSON: So this is going -- this is a petition
2 to the Secretaries of the Interior and Agriculture; is that
3 correct?

4 MR. THOMPSON: I have to tell you, I haven't even read
5 the petition. Norm is

6 MS. ROBINSON: Okay. Well, it looks like something on
7 the introduction here it says that those people hereby request
8 the Secretary of Interior and the Secretary of Agriculture to
9 reverse two decisions by the previous administration with
10 respect to implementation of subsistence priority under Title
11 VIII of ANILCA.

12 MR. THOMPSON: It would sound that that's true.
13

14 MS. ROBINSON: Sounds like that's what they're doing.
15 Okay. So we're dealing with -- okay, I feel very ignorant
16 about this and I really -- I don't like making decisions on
17 something I'm really ignorant about. So, it looks to me like
18 we're -- it's not going through the court system or anything at
19 this point, except that it does mention Judge Holland there on
20 that page 11 or whatever it was. Why would Judge Holland be
21 commenting on this if it's just going to the Secretaries?
22

23 MR. THOMPSON: Well, it's -- I believe it's part of the
24 Where 2, Where 3.
25

26 MS. ROBINSON: Oh, okay.
27

28 MR. THOMPSON: That aspect of the Katy John litigation,
29 the combined litigation that was argued Wednesday. We'll
30 presumably hear something about that within a month or two, a
31 decision. And it really has the same inferences in this
32 petition.
33

34
35 MS. ROBINSON: Now, it seems to me somewhere in the
36 last few days I've heard mention that Southeast is not -- does
37 not feel the impact as the people do up north because we have
38 so much Federal land -- so much of Southeast is Federal rather
39 than private. However, if the -- if 600-and-some-thousand
40 acres are going to be given away here in the next year or so to
41 private -- to non-profit groups here or non-public groups, then
42 I suspect that we would be feeling more of an impact. So,
43 okay
44

45 CHAIRMAN THOMAS: If the council chooses, we can wait
46 until after lunch to complete action. Lunch is being readied
47 over there now, and they're not really a restaurant facility,
48 so come and get it or we'll throw it out.

49 MS. ROBINSON: I think that would be nice to be able to
50

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think about this through lunch and maybe chat with some memb²⁵⁸
of the staff or whoever and make a decision.

1 CHAIRMAN THOMAS: Okay. We'll take a break and we'll
2 stew about this over stew.

3 MS. ROBINSON: That's good.

4
5 CHAIRMAN THOMAS: So, we'll be back at 12:40.

6
7 (Off record)

8 (On record)

9
10 CHAIRMAN THOMAS: We're going to continue with where we
11 left off a while ago with terms of trying to better understand
12 some of the implications of this. We're generally agreed that
13 the intent is consistent with our intent, so that would make it
14 a plus by any action we take on it. But before we do that,
15 Rachel has some information she's going to share with us, and
16 then there's other people that will be making comments with
17 reference to this, and hopefully by virtue of that, we'll feel
18 comfortable in forwarding this after we're through here.
19 Rachel, if you would.

20
21 MS. MASON: Thank you, Mr. Chairman. I hope this will
22 shed some light on the subject. What I have here is a briefing
23 document that we received before the October meetings last
24 fall, and this concerns this petition which is known as the
25 NARC petition for Northwest Arctic Regional Council. And I'll
26 just read it to you:

27
28 "Several entities representing subsistence users,
29 including the Northwest Arctic Regional Council, have submitted
30 to the Secretaries of Interior and Agriculture a petition
31 asking for a rulemaking that:

- 32
33 1. the Federal government has the authority to
34 regulate hunting and fishing on non-public lands if such uses
35 interfere with subsistence uses on public lands, and
36
37 2. selected but not yet conveyed lands are within the
38 purview of the subsistence priority.

39
40
41 Up until now the Board has not exerted authority over
42 hunting or fishing on non-Federal lands. Current Federal
43 regulations exclude lands that are selected by but not yet
44 conveyed to Native Corporations and the State of Alaska. The
45 question of jurisdiction for purposes of Title VIII over
46 State- and Native-selected lands is known as the 'Where 3'
47 issue..."

48
49 And this is one of the "where" issues that have been
50

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consolidated and are being heard right now in the Katy John 253 case in Seattle.

1 The petition was submitted April 12, 1994, to the
2 Secretaries of Interior and Agriculture. The Secretaries are
3 expected to issue a Federal Register notice soon -- it doesn't
4 say when, soliciting public comments on the petition.

5
6 CHAIRMAN THOMAS: Thank you. Mim.

7 MS. ROBINSON: Yeah, I have a question there. You read
8 something there that kind of caught my ear there, something
9 about having to do with the State. Could you read that again?

10

11 MS. MASON: Okay. So far the Board hasn't exerted
12 authority over hunting and fishing on any non-Federal lands,
13 and that would include both State lands and private lands.

14

15 MS. ROBINSON: But do they have the authority to?

16

17 MS. MASON: That's what is addressed here in the
18 petition. The question of jurisdiction for purposes of Title
19 VIII over either State or Native selected lands.

20

21 MS. ROBINSON: So the petition is calling into a
22 question then who has authority to administer control over
23 these lands?

24

25 MS. MASON: Including State lands, as I understand it,
26 or it could include lands that are selected by but not yet made
27 to the state of Alaska.

28

29 CHAIRMAN THOMAS: Ken Thompson, would you pull up a
30 chair alongside Rachel there, because you're going to be in
31 this, too. You can just grab the mike from her whenever you
32 feel like it there.

33

34

35 MR. THOMPSON: Ken Thompson, Forest Service. Mim and I
36 had a little discussion over lunch and suggested that we make
37 it clear to the council members that there are, in fact, just
38 two entities who manage fish and game in the State of Alaska;
39 it's primarily the State, and the Federal government for
40 managing subsistence priority on Federal lands. And so the
41 issue here in the petition is to seek Federal authority to
42 manage for subsistence priority off of Federal lands on these
43 selected lands that have not yet been conveyed. Presently the
44 State manages -- sets seasons and bag limits on these lands,
45 and this petition, if it were to be acted upon and regulations
46 passed, would provide Federal authority to manage for that
47 subsistence priority.

48

49 CHAIRMAN THOMAS: Okay. Mim.

50

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1 MS. ROBINSON: So, would it be a fair assumption to ~~254~~
2 that the petitioners have not been satisfied with how the State
3 has managed for subsistence priority on these non-public lands?

4 MR. THOMPSON: That would be a fair statement.

5 CHAIRMAN THOMAS: Further discussion? We do appreciate
6 you folks' input. I didn't say we're through with you, but we
7 appreciate it. We'll call you back, if needed. Further
8 discussion?

9 MS. ROBINSON: Well, we had a motion on the table to
10 adopt this?

11 CHAIRMAN THOMAS: Yes.

12 MS. WILSON: Mr. Chairman.

13 CHAIRMAN THOMAS: Marilyn.

14 MS. WILSON: When we vote on this, right now Rachel
15 said this is in the -- one of the cases in the Katy John case.
16 So whatever we do, I feel like I didn't do my homework here
17 and I -- but the main thing of this petition is to protect
18 subsistence, and just reading the blue page in the front there,
19 the main intent of this petition is for priority on the lands,
20 but I think that our main purpose is to protect subsistence,
21 and I forgot how our motion was worded. Was it to support this
22 petition or to add our name?

23 CHAIRMAN THOMAS: Add our name.

24 MS. WILSON: Add our name. Okay. Thank you.

25 CHAIRMAN THOMAS: Mim.

26 MS. ROBINSON: Yeah, I'm wondering, is there any
27 possibility that it's not possible for us to add our name at
28 this time? I mean is it considering that it's just about to be
29 put in the Federal Register and things like that, is there a
30 cut-off date if we missed it or are we just by requesting to
31 add our name adding a little more oomph to it? So maybe Carol
32 or one of the staff people -- other staff members can shed any
33 light on that?

34 CHAIRMAN THOMAS: She's looking for some language that
35 would support your comment. I'll give her the microphone to
36 transmit her comment.

37 MS. JORGENSEN: No, I was just reading something, but
38 it didn't clarify it for me. I'm not sure. I'm not sure, to
39 be honest with you, if we could add our name or not. Gloria?

40

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MS. MASCHMEYER: (Indiscernible - away from microphone).

MR. SUMMERS: Clarence Summers, National Park Service. I think I know a little something about this. There's a draft, I think, a Federal Register notice, and I think it was published recently, and Bill Knauer is the expert, but the idea is there's a request in to the Secretaries to extend the Federal program to lands that are not currently covered, and so there's a call for comment, so it's open to anyone. That's all I have.

CHAIRMAN THOMAS: Thank you. Mim.

MS. ROBINSON: So, it sounds like maybe at this time we should just, rather than add our name or the council's name to the petition, we would just be in support of the petition. Also, I noticed something -- another person who didn't do her homework -- on page 11 of -- it's under the Argument section there. It says:

"Petitioners frankly are perplexed as to why the previous Administration disclaimed the authority to restrict uses on non-public lands to protect subsistence uses on public lands, especially in light of the fact that the authority to regulate non-Federal lands to protect activities on Federal lands is routinely asserted throughout the remainder of the United States."

This is something that Ken and I were talking about at lunch, that this is something that's already done elsewhere. The Federal government does have a say over what happens on private lands. So, -- and these petitioners were, you know, couldn't understand why the Federal government wasn't consistent in their actions. So, I would, as the maker of the motion, like to change the motion to say that the council supports this petition, the NARC petition.

CHAIRMAN THOMAS: You want to withdraw the first motion and replace it with this one?

MS. ROBINSON: I'll withdraw the original motion.

CHAIRMAN THOMAS: Does the second withdraw?

MS. ROBINSON: John, I think you seconded it.

MR. FELLER: Yeah, I agree, Mr. Chairman.

CHAIRMAN THOMAS: Okay. Another motion is in order.

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1 MS. ROBINSON: So, I make the motion to -- that the
2 council support the NARC petition. I don't know if we would
3 maybe write a letter -- I guess it would be in the form of
4 comments to -- wherever the comments are supposed to be
5 addressed to on the -- let's see, for the public comment on the
6 NARC petition. Wherever someone comments on the Federal
7 Register, okay, it would be in that form.

8 MS. WILSON: Mr. Chairman.

9
10 CHAIRMAN THOMAS: Marilyn.

11
12 MS. WILSON: Since we're in support -- well, maybe,
13 after we vote on it, if we're in support of this NARC petition,
14 who is going to write the comment; are we going to have a
15 comment from this council, and who will draft up the comment
16 and what will be in it and so forth?

17
18 CHAIRMAN THOMAS: First of all, we need a second to the
19 motion.

20
21 MS. PHILLIPS: Second.

22
23 CHAIRMAN THOMAS: Okay. Who will make the comment?
24 What's the wish of the council?

25
26 MR. DALTON: Mr. Chairman.

27
28 CHAIRMAN THOMAS: Richard.

29
30
31 MR. DALTON: This is a self-explanatory petition for
32 rulemaking. It appears that we're either going to support this
33 or we don't support it, and if we support it then the comments
34 will come later. As I understand, by Roberts Rules, because we
35 cannot find ourself in the predicament where we are not
36 obligated to make any comments -- but we would be obligated to
37 make a comment if we support this issue.

38
39 CHAIRMAN THOMAS: Yeah. Well, the motion was to
40 support. The question was: When it comes time to make the
41 comment who will make the comment? That's what we're trying to
42 determine now; who will make the comment.

43 MR. DALTON: I meant before that.

44
45 CHAIRMAN THOMAS: Mim.

46
47 MS. ROBINSON: Well, looking at the -- again on that
48 conclusion on page 26 of the petition, the -- where it says the
49 foregoing reasons petitioners respectfully request that the

50

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1 following two actions be taken. I think that it would not be
2 too burdensome to have our coordinator write a letter saying
3 that the council is in support of those 1. and 2. that's on
4 that page there. And

5 CHAIRMAN THOMAS: Before we do that

6 MS. ROBINSON: We can keep it as simple as that.
7 That's what I would have in mind. That's what this motion
8 would be asking.
9

10 CHAIRMAN THOMAS: Yeah, that's good, but I think we
11 should make it understandable in the note someplace as to what
12 we intend from this; what do we intend the comments to do?
13 Just to reflect our support, moral support, active support,
14 weak support? We really should be specific as much as we can.
15 Do we list it as support in general and see what that brings?
16 I don't think there's any jeopardy in doing that. So, just
17 saying that we -- this is notification of our support of the
18 intent of this petition?
19

20 MS. ROBINSON: What I would want the letter to say
21 would be something like this:
22

23 That the council agrees with the petitioners that 1.,
24 an interpretive rule be promulgated which states the Federal
25 government has the authority to regulate hunting and fishing on
26 non-public lands if such uses interfere with subsistence uses
27 on public lands, and 2., an interpretive rule be promulgated
28 which places selected but not conveyed lands within the purview
29 of the subsistence priority.
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31 That's what the letter should say.
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33 CHAIRMAN THOMAS: Okay. Just so that if any follow-up
34 comes up we'll be able to follow. Further discussion?

35 MR. DALTON: Question.
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37 CHAIRMAN THOMAS: Question has been called for. All
38 those in favor, signify by saying aye.
39

40 IN UNISON: Aye.

41 CHAIRMAN THOMAS: Opposed?
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43 (No opposing responses)
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45 CHAIRMAN THOMAS: Motion carries.
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47 MS. WILSON: Mr. Chair.
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49 CHAIRMAN THOMAS: Marilyn.
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MS. WILSON: Do we need another motion to do what Mim wants to do?

CHAIRMAN THOMAS: No.

MS. WILSON: Okay.

CHAIRMAN THOMAS: Mim has been a member for so long that she doesn't need all those provisions like new members. No, all she did was offer language in the support letter, so that's still under discussion. And that was good. Thanks, Mim. That was good.

Well, we have people here. We have a proposal that was brought to us from the Sitka Tribe. Do you all have a copy of it? I will ask Carol if she will read it, even though we'll follow along.

MS. JORGENSEN: Sitka Tribe of Alaska, Tribal Government for Sitka, Alaska, Southeast Federal Subsistence Resource Region, Proposal:

Existing regulation: Unit 4 - Customary and traditional use determination on all salmon and finfish species, all bottom fish including halibut and all shellfish. Only the harvest of sockeye salmon, herring and herring eggs have been recognized as a customary and traditional use.

Proposed regulation: Unit 4 - Customary and traditional use determination on all salmon and finfish species, all bottom fish including halibut and all shellfish. Customary and traditional use determination on all species listed above.

Reason for changing regulation: All salmon and finfish species, all bottomfish including halibut and all shellfish are today and always have been customarily and traditionally used by the Native people in the Southeast.

Effect of the proposed change on fish and wildlife populations: The use determination will have no effect on these marine species.

Effect of proposed change on subsistence users: The change will honor and protect the cultural, political, religious and spiritual wellness and subsistence needs of the Native people in the Southeast.

Additional information: Question: Who invented the halibut hook?

Proposed by: Sitka Tribe of Alaska Subsistence Committee.

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456 Katlian Street, Sitka, Alaska, 99835, with their telephone numbers.

CHAIRMAN THOMAS: To answer the question, who invented the halibut hook? My best information tells me Eagle Claw. Eagle Claw made the first halibut hook. Is that correct? Is that disputed from Sitka Tribes or what? Way off base, huh? Nice try? Okay, it's a self-explanatory proposal.

We will not place this proposal on the table for consideration. We don't have a staff analysis.

MS. WILSON: Mr. Chair. I need to find my resolution here -- proposal.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Yeah. I just am kind of wondering, since this is dealing with fish and other things from the sea, what is -- there's not a whole lot we can do with this. The Federal Subsistence Board would not be able to deal with it, and so what -- I mean maybe we could do a letter of support or something to go somewhere. I don't know, it seems like our hands are kind of tied at this point.

CHAIRMAN THOMAS: We can deal with it like any other proposal, forward it. Herman.

MR. KITKA: On this proposal we were denied by the state. (Indiscernible - away from microphone) when we (indiscernible) those other species (indiscernible) for our use. And to this day the State Fish & Game hasn't done anything about it. It's (indiscernible) to our culture and religion. A person passes away, sometimes that person uses halibut a lot, so at his memorial (indiscernible), and this is being denied to our people, even though we have subsistence rights in Sitka, we are only allowed to take sockeye and herring and roe and all other species was used by our people for centuries. Southeast Alaska from (indiscernible) from my area were accepted, and (indiscernible) were denied the use of these things.

I have a lawsuit against the State pending on this issue, but the State has refused to (indiscernible) bring it into the courts. They always find some kind of excuse for (indiscernible) about the (indiscernible). What we figure if we enter this proposal with the Feds, (indiscernible) it will force the issue on our people for our future. We need to have this settled. We're not asking for our fish regulations, we're

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asking for our subsistence use. A lot of our people go out ~~and~~
smoke dog salmon, sockeye king salmon because (indiscernible),
they smoke halibut and salmon and they smoke halibut and their
subsistence use during the winter. So far there has been no
control by any Federal or State Fish & Game. We just want to
make it legal for our people to use these things.

I kind of (indiscernible). (Indiscernible - away from
microphone)

CHAIRMAN THOMAS: Do you have a comment?

MS. MASCHMEYER: Yes, this is Gloria Maschmeyer, with
Fish & Wildlife Service in the Office of Subsistence
Management. This proposal, as we have, is it correct that this
has not gone through the Office of Subsistence Management to
the Board?

CHAIRMAN THOMAS: No.

MS. MASCHMEYER: Okay. So the process would be, in
order to enter this into the mainstream for proposals is that
it would be a proposed regulation. It cannot be considered for
the coming '95/96 year because there was a cut-off date for
those proposals on November 11, 1994. However, it can be
submitted, I'm sure, probably at this time to be considered for
the next regulatory year, and then there would be a staff
analysis on it and it would be brought back to the winter
meeting, such as on the proposals we're working on today, it
could be approved or action taken at that time.

CHAIRMAN THOMAS: Okay. Thank you. Mim.

MS. ROBINSON: Yes. I have a question for you before
you leave the mike. Yes, I was just wondering, how -- you
sound familiar with the process up there, maybe even Bill or
Carol could come in, too, but seeing this is dealing with a
fisheries issue, how would the Board deal with being presented
with a proposal like this at this time without having the
situation settled between the Federal government and State?

MS. MASCHMEYER: Well, there is existing regulations,
so is that existing regulation, is it a Federal or is it a
State regulation? I mean 'cause if this -- Carol, do you know
if this comes out of our -- is it a Federal regulation or a
State regulation that we're proposing? Because we cannot
change State regulations; we can only address the regulations
in our Federal regulations, but you could probably add
regulations.

MS. JORGENSEN: Ken will speak to that.

MR. THOMPSON: Ken Thompson, Forest Service. I might
remind the council, and they're probably abundantly aware of it

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1 already, that C & T proposals have been brought to the Board261
2 over the past four years, and for the most part, not entirely,
3 but for the most part the Board has chosen not to rule on those
4 C & T proposals, either game or fish because we have adopted
5 C & T statewide and we're in the process of reviewing those.
6 Now, with respect to fisheries, the issue that Mim mentioned,
7 that we don't have jurisdiction, we don't recognize Federal
8 jurisdiction for fisheries in navigable waters under current
9 Federal regulations. So, the Board, for the time being anyway,
10 would take no action on that, they would just simply refer that
11 back to the council or to whoever wanted to propose it for a
12 future proposal. But they would take no action on it now.

13 Carol.

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MS. JORGENSEN: Yeah, that's correct, because we've got
Katy John pending and nothing has been decided in that area,
but certainly the council could put this forward. In the
charter it talks about fisheries and so on, but they could put
it forward and -- I mean that's your right, and, you know, at
least the intent, because I know what Herman's talking about as
far as king salmon and coho, they're not subsistence, but
they've always been subsistence things. It's at least bringing
it forward to when Katy John is settled. You know, you've got
something already on the area where you're making an intent.

CHAIRMAN THOMAS: Thank you. One of the things you're
anticipating from this council, and one of the reasons that
this language was put in ANILCA, the people in the chain of
command, beginning at Department of Interior, realized that
everything that was put in granite wasn't always the best thing
they could do. So, without ever admitting it, they're looking
for some boldness from volunteer advocacies, and they list that
in their duties of the council.

It says: The council possesses the authority to
perform the following duties: 1., initiate, review and
evaluate proposals for regulations, policies, management plans
and other matters relating to subsistence uses of fish and
wildlife on public lands within the region. Provide a forum
for the expression of opinions. Encourage local and regional
participation in the decision making process affecting the
taking of fish and wildlife in public land within the region
where subsistence is.

We're satisfying the provisions, every one of those.
That's why I say, the Board might not be that anxious to do
that, but as a council, we need to give them the hot end of the
match. Ken.

MR. THOMPSON: Yes, Mr. Chairman. I certainly

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encourage the council to do whatever you wish. It won't hurt
send it in. I'm just -- we're suggesting what the Board's
reaction might be.

CHAIRMAN THOMAS: If we do act on this we'll say
pursuant to encouragement from Ken Thompson. Mim.

MR. THOMPSON: You can say that, too.

MS. ROBINSON: Oh, I was thinking that if we did adopt
this proposal and to forward it to the Board with a letter
stating that we realize that this is out of cycle, and we also
realize that the Board is not dealing with C & T use in
Southeast right now, however, this is an important issue and we
wanted you to be aware of it, and we would also -- we're
presenting this to show how urgent it is that this issue be
resolved with our region. Something to that effect.

CHAIRMAN THOMAS: Now, you have to remember that these
don't go up to the Board unaccompanied. They go with Carol and
me.

MS. ROBINSON: Right.

CHAIRMAN THOMAS: Biting every word that's in here.

MS. ROBINSON: Yeah. Okay. You could even have some
of Herman's comments excerpted and put into it also.

CHAIRMAN THOMAS: Yeah, they're very much respected in
there. Marilyn.

MS. WILSON: I was just thinking about the halibut,
that's international, or how to they call that? It's

CHAIRMAN THOMAS: International Halibut Commission.

MS. WILSON: Yeah. I think we should call the halibut
a landbased fish because it rests on the bottom, so that would
make it Federal.

MS. ROBINSON: Boy, is that a good one.

MR. FELLER: Yeah, all right.

CHAIRMAN THOMAS: Marilyn, Marilyn, Marilyn. I think
it's a good idea, but we're not going to do that. That's true.
They should have legs instead of fins.

MR. ANDERSON: Mr. Chairman.

CHAIRMAN THOMAS: Lonnie.

MR. ANDERSON: I would certainly support the
resolution

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CHAIRMAN THOMAS: It's a proposal.

MR. ANDERSON: The proposal. (Indiscernible)

CHAIRMAN THOMAS: Yeah. The proposal hasn't gotten into the proposal packet, but our charge is coming again for new proposals.

MS. ROBINSON: It would just go in on the next cycle. I mean, they would hold it and go in on the next cycle, I would think.

CHAIRMAN THOMAS: Well, if they reject it in this cycle, I'll put it in the next cycle. I wouldn't try to out-guess them, I'd just give it to them. Has the motion been made? I hate to use up discussion 'cause the motion is so beautiful when it's made. Patricia.

MS. PHILLIPS: Mr. Chair. Move to adopt Sitka Tribe of Alaska's Southeast Federal Subsistence Resource Region Proposal as Proposal 6 and to adopt.

CHAIRMAN THOMAS: You heard the motion. The motion was to identify this proposal as Proposal #6. The motion is to adopt. Do I hear a second?

MR. ANDERSON: Second.

CHAIRMAN THOMAS: So seconded. Discussion?

MS. WILSON: Question.

CHAIRMAN THOMAS: Question has been called. All those in favor, say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed?
(No opposing responses)

CHAIRMAN THOMAS: Motion is carried. Okay. I'm preoccupied and worried about my flight. Oh, thank you.

MS. JORGENSEN: Just in regards to administrative matters, has everybody turned their paperwork back in to Gloria?

MS. MASCHMEYER: I need copies of hotel receipts.

MS. JORGENSEN: You need copies of what?

MS. MASCHMEYER: Hotel receipts.

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MS. JORGENSEN: Okay. Mim's

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MS. ROBINSON: I didn't keep any hotel receipt.

CHAIRMAN THOMAS: You were on a P.O.

MS. ROBINSON: Yeah.

CHAIRMAN THOMAS: We're on a P.O. for lodging.

MS. JORGENSEN: Yeah.

MS. ROBINSON: We didn't pay for any.

MS. JORGENSEN: The hotel should send the bill up to Terry, but as long as you've got, you know, if you've got the other paperwork like you were given, your check and so on, then get that back to Gloria.

The last thing was re-established, a place of meeting, which was Craig, on Prince of Wales Island. And

CHAIRMAN THOMAS: Patricia.

MS. PHILLIPS: Mr. Chair. I've brought to your attention House Joint Resolution Number 25, and you told me that we could bring it up later on.

CHAIRMAN THOMAS: It's time.

MS. PHILLIPS: May I bring it up?

CHAIRMAN THOMAS: I'm a man of my word.

MS. ROBINSON: Well, Mr. Chairman, while Patty is passing this out, two other things that we still need to deal with are the C & T process that Mr. Chairman is getting together and talking about C & T. I think there was going to be some further discussion about that or something?

CHAIRMAN THOMAS: Yes.

MS. ROBINSON: And also there was supposed to have been a letter written about Carol doing the report or responding to our annual report. Anyway, those are just two other issues.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: I'd like to introduce a resolution substituting the legislature -- the Alaska State Legislature

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MS. ROBINSON: Second.

MS. PHILLIPS: Excuse me, and adding: Whereas, the residents of Southeast Alaska rely upon healthy fish stocks to continue C & T resource uses.

MS. ROBINSON: I second it.

CHAIRMAN THOMAS: Where are you putting all of this?

MS. PHILLIPS: Well, I would put the whereas I just read at the last whereas, before be it resolved.

MS. ROBINSON: Could you say it again?

MS. PHILLIPS: Whereas the residents of Southeast Alaska rely upon healthy fish stocks to continue C & T resource uses.

MS. ROBINSON: Mr. Chairman.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: So, any place in this existing document where it says Alaska State Legislature, we'd be putting the Council's name?

MS. PHILLIPS: Right.

CHAIRMAN THOMAS: Say that again?

MS. ROBINSON: Did you catch that, Patty? Any place in this document that we have in our hand here that it says Alaska State Legislature, we would be putting the Council's name instead?

MS. PHILLIPS: Right.

MS. ROBINSON: So like where it says on the back, "Be it resolved,

MS. PHILLIPS: Right.

MS. ROBINSON: we would put our -- the Council's name, and do everything else it says there, copies being sent to the list of people there; do you have that in mind also?

MS. PHILLIPS: That would be acceptable.

CHAIRMAN THOMAS: Do you have any background to the resolution? How did it get to Grussendorf?

MS. PHILLIPS: How did they get what?

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CHAIRMAN THOMAS: How did they get to the legislature?
MS. PHILLIPS: I really -- I don't have any background.

MS. ROBINSON: I do, a little bit.

MS. PHILLIPS: Good.

CHAIRMAN THOMAS: Okay.

MS. ROBINSON: Yes, last spring I testified at the Board of Fish meeting in Anchorage about this issue, about bi-catch, and that's what a lot of this trawling is dealing with, and also, of course, this is dealing with what it's doing to the bottom and just affecting our resources. A lot of this has come to light since last spring, the Board of Fish did quite a bit of work on that, and I know the legislature also, last year they did a resolution -- I think they might have another one in this year again on bi-catch. I don't think they did anything on trawling last year. So, anyway, does that help any?

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: I do know that the trawlers bi-catch includes salmon -- all species of salmon, halibut and other fish species and they are a detriment to those fish populations.

MR. DALTON: Mr. Chairman.

CHAIRMAN THOMAS: Richard.

MR. DALTON: Yeah, I think the bypass word is just a legal word to try to protect the trawlers. We're trying to find a solution to Senator Stevens making his statement in the state of Alaska that they're trying to find a solution where they could keep the fish that goes all up this trawl, and that's still not going to protect the saving -- the finfish or whatever they take out of the bottom, they're just cleaning and scraping the bottom.

So, years ago when Alaska Native Brotherhood went on record to abolish traps, they did it too late because we had to suffer at least 25 years before the fish could come back again, and then later in the season -- later in years they went on the record to get the 200-mile limit whereby halibut start to come in, black cod and several other (indiscernible - away from microphone). Now the 200-mile is a little bit -- plays an

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influence on our bottom fisheries. But still right now they²⁶⁷
trawling the bottom and killing the fish, and I think I'm in
support of a ban myself.

CHAIRMAN THOMAS: To make it a little cleaner, I think
it might be easier for us to submit something like this under a
resolution using the same language to where it doesn't look
identical to that one, coming from the legislature. A personal
observation. Mim.

MS. ROBINSON: I don't think it would really matter too
much that it's using most of the same language.

CHAIRMAN THOMAS: The language is fine, the format.

MS. ROBINSON: Right. Yeah, it would be -- I mean it
would be typed over to look like a resolution coming from this
council.

CHAIRMAN THOMAS: Right.

MS. ROBINSON: Yeah, it wouldn't have the numbers on
the side and the -- all the other stuff there.

CHAIRMAN THOMAS: That will be known as

MS. ROBINSON: Patty, did the motion say anything about
being a proposal or did you say resolution? I don't remember.

MS. PHILLIPS: A resolution from this board -- council,
95-01.

MS. ROBINSON: So, this would be 95-01?

CHAIRMAN THOMAS: 95-01. Further discussion?

MS. ROBINSON: Question.

CHAIRMAN THOMAS: Question has been called. All those
in favor, say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed?
(No opposing responses)

MS. PHILLIPS: Thank you, Council members.

MS. ROBINSON: Good job, Patty.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Yeah. I just wanted to comment about
that letter issue. I talked with John Vale yesterday, I think

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CHAIRMAN THOMAS: What letter issue?

MS. ROBINSON: The letter about Carol responding to our annual report.

CHAIRMAN THOMAS: Uh-huh.

MS. ROBINSON: And he'd been talking with someone, I don't remember who, staff or something, and the staff person had pointed out that we should count our blessings, that it's just another way of looking at the issue. At least it's getting responded to by someone in our area, someone that knows what's going on and -- you know, just kind of looking at it from that point of view. It's not going to someone that doesn't know what this place is about, and it is shown to those higher up, and they have to approve it or disapprove it or whatever, and it does bring these issues to their attention.

CHAIRMAN THOMAS: What's your feeling about that?

MS. ROBINSON: Well, still kind of mixed. I still think that -- I still feel uncomfortable about the fact that our coordinator is commenting on what she probably wrote, and it just -- it really just -- the irony of it is more than I can stand, I think. So, but if anything, it seems like her boss should be writing it. If it's going to come down to this level, at least her boss should do it, not her.

And, Carol, who is your boss?

MS. JORGENSEN: Well, in the Forest Service my boss is Norm Howse, but it should, you know, -- and Norm, I think, agrees with me on this, it should definitely go on a higher level, and in Patty's comments yesterday, I couldn't agree more in the sense that it should have some teeth, and I couldn't put those teeth in it because I don't have the responsibility. I can't speak for the Secretary, but if I could and I thought that he'd sign off on it, I mean the Hoonah Tlingits would have Glacier Bay back.

MS. ROBINSON: Mr. Chairman, that brought another point to mind that John had mentioned.

CHAIRMAN THOMAS: Well, before you get to that, I feel incumbent to share my opinion about this thing. If we're going to be part of a scheme and be considered a very small part of the scheme, I don't think we should absorb, assume or carry the entire scheme. And if we can't depend on consistency going all

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1 way to the Office of the Secretary, something is wrong. And269
2 that's going to be wrong, this needs to be pointed out, and if
3 that someone is going to be us, then it's going to be us. But
4 we can't spend our time protecting the inefficiencies of
5 somebody else. Those are my thoughts. Disagree?

6 MS. ROBINSON: The other thing that had been pointed
7 out was that perhaps if there wasn't that much -- that many
8 teeth parts in it because the report itself was -- wasn't
9 really asking the Secretary to do things that much, it was
10 mostly reporting on what we had been doing, I believe. so,
11 that's something to consider.

12 What I would suggest that we do is have you,
13 Mr. Chairman, write a letter for the council about this. What
14 would you think of that?

15 CHAIRMAN THOMAS: By all means, the Chairman is going
16 to write a letter.

17 MS. ROBINSON: Okay. I make that motion then.

18 CHAIRMAN THOMAS: Motion

19 MS. PHILLIPS: Second.

20 CHAIRMAN THOMAS: has been made that the Chairman
21 write a letter. Patty seconded. Discussion?

22 MS. PHILLIPS: Question.

23 CHAIRMAN THOMAS: Question has been called. All those
24 in favor, say aye.

25 IN UNISON: Aye.

26 CHAIRMAN THOMAS: Opposed?

27 (No opposing responses)

28 CHAIRMAN THOMAS: Motion carried. You know, in a true
29 ANB fashion, I want the strongest terms possible, and that's
30 the only way my computer knows how to write. I've got an ANB
31 computer.

32 MS. ROBINSON: Are we going to get copies of this
33 letter?

34 CHAIRMAN THOMAS: No way. Hey, this is a Federal act,
35 you know, we're doing now. By all means, I'll have a letter to
36 the editor so everyone sees it.

37 This is our third day here. We've been inviting public
38 comment for three days, and we're always glad to hear from you.

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MR. MILLS: My name is Thomas Mills, Mr. Chairman, and I'm a disabled Vietnam veteran, born and raised in Excursion Inlet, and this gentleman sitting between the three young ladies over to your left made some remarks about able to go into certain areas to get fish for your smoke houses and for my life -- my whole life I've lived in Excursion Inlet. And we couldn't go up to that creek to get any salmon because the Fish & Game -- Alaska State Fish & Game would tell us, no, the cannery people are depleting that river already, you guys have to go to Basket Bay. And it turns out that when we do want to go to Basket Bay, it's closed for us, too, because the people in Angoon and the loggers over at Silver Bay in those areas are depleting those areas as well.

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But the thing is, over in Excursion Inlet is the cannery people that are imported, as far south as Stockton, California, are going up into the creek with their nets, and I know it's their nets because their nets are anchored down with pipe fittings, it's anchored down with electrical conduits and stuff like that you'd only find in a cannery. And I found all those things and I sent them in to the Fish & Game, and they just referred to me that they're understaffed so they can't do anything about it.

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And the other thing is the cannery personnel that are getting all that fish are using cannery freezers and glazing things to put their fish away. Each employee working over in Excursion Inlet is allowed 200 pounds of frozen fish, and the company just charges them 10 cents a pound to ship them as far south as Stockton, California. And I know one guy that was working as the quality control man over there, he would gather up all the boxes for people that are not interested in fish, but he made boxes for them. He'll get sockeye out of the creeks, glaze 'em and ship 'em all out to Stockton, California, and there he will sell them to restaurants for \$5.00 or something like that a pound. But within the 15 years that I worked in Excursion he made enough money to buy a brand new Cessna 185 with all the trimmings and accessories on it and bring it up to Excursion Inlet.

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But, not only are we -- I'm not allowed to get sockeye out of those creeks, we are not allowed to get silver salmon out of the creeks either. I mean every time you're going to have a party, you know, you're not just going to serve humpy, you're going to get the finest meals possible for your family and to serve at these pay-off parties, as they are known as. And the Fish & Game puts a limit on us and tells us, no, you can't get any silver salmon, that's against the law, you can't

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2 And something -- going off the subject but related to
3 deer hunting is the Forest Service over here in Hoonah arrested
4 my kid brother a year or two back, and that's been in court for
5 a while -- it was thrown out of court, he's been acquitted on
6 it, but the thing was that they listened to two other
7 non-Natives who stated that they were out there hunting. So,
8 without even checking their rifles and stuff they went out
9 there and cited 'em, and they had to go to court and they spent
10 time and money going back from here to Juneau and going to
11 Federal court. And the judge finally just threw it out. But
12 the thing was the Forest Service has taken some other people's
13 word as gospel, and went out there and tried to hang these two
14 Natives, and the people that were representing the Forest
15 Service were standing there, one of 'em with his hands on his
16 hip, ready to draw his pistol. And that was scaring the devil
17 out of the two kids that went back to the truck. And they
18 should have better and safer procedures than that.

19
20
21 And the other thing that has been happening as far as
22 the impact statements of the Forest Service, which will say
23 there's no (sic) impact statement in this particular area, and
24 Sealaska will say the same thing, because they're two
25 individual impact statements. But if you put those two
26 individual impact statements together and you start talking to
27 the people that you utilize the land here, you will find out
28 that there's a lot of wrong here, there's something here,
29 you're killing off the Hoonah Tlingits, the people that are
30 living here, living off the land and doing something about it.
31 Our hands are tied, we can't do anything about that except go
32 out there and do it. I'm sure we're going to get arrested, but
33 we're still going to go out there and live.

34
35
36 It's just not too long ago, within the last week, I
37 took my son out to our homestead out there by Gustavus and he's
38 one of the new Tlingits, he don't know anything. But he saw
39 his first wolf, and he just had this big smile on his face
40 where he actually saw a grown wolf in the wild. He saw his
41 first sea otter, he saw his first seal close to the beach. He
42 understands what porcupine do, where they live. I explained
43 all that to him. And he says, Dad, they don't have this
44 anymore. We're lucky to see all this stuff. And I agreed with
45 him.

46
47
48
49 And the other remark I wanted to make is about this
50

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trawling thing. A while back I went out black coddling with a
kid brother on the Mary Joanne, and we were lining out there --
out there in the west end of Chichagof Island. And this
1 American Number 1, a factory trawler, was dragging for sole off
2 the coast. And at night he would turn his lights down to where
3 you could barely see him, and he would come right in to this
4 line area and start trawling for black cod because they had so
5 much -- so many metric tons of incidental catch that they can
6 keep aboard, and the way they were fishing for their sole,
7 there was no black cod out there. So, he would come into the
8 black cod grounds and go through all the people's hook and
9 lines and do it. And when they start calling on the radios and
10 stuff the hauling captain on that ship would say, what I'm
11 doing is illegal -- "What I'm doing is legal," he said he's not
12 breaking the law, he said, "I'm not breaking the law; what I'm
13 doing is within the law." Because some of the fishermen were
14 so mad for losing all their skates and stuff they were willing
15 to start a big row (ph), up there.

16 And I worked -- I now work with Southeast Stevedoring,
17 and I work with one of the buyers that are representing buyers
18 in Japan on the logs. And the reason I'm bringing this up is
19 he was, at the time, stationed on that ship, the American
20 Number 1, for the Orientals again, and he confirmed all this
21 stuff to me. And that's all I have to say, and I thank you.

22 CHAIRMAN THOMAS: Thank you. You cited a lot of
23 management -- not management but enforcement situations. Did
24 you take time to submit reports of these violations to anybody?
25

26 MR. MILLS: Most of them I -- reports and stuff I
27 talked to Alaska Department of Fish & Game about it, and they
28 just would tell me that they're understaffed.
29

30 CHAIRMAN THOMAS: But you didn't send in a written
31 violation?
32

33 MR. MILLS: No, I did not send in any written anything
34 because mainly I was busy at the time trying to find a way to
35 put up my own food.
36

37 CHAIRMAN THOMAS: Okay. Mim.
38

39 MS. ROBINSON: Yes, Mr. Mills. I just maybe think that
40 this House Joint Resolution that Patty showed to us here and
41 we've adopted, Number 25, it's been referred to the House
42 Special Committee on Fisheries and also the House Resources
43 Committee, and were you planning on testifying at any hearing
44 that they may be having on this resolution?
45

46 MR. MILLS: Well, I have no idea when all these
47 hearings are about. I didn't even know when they had any --
48 were having these subsistence meetings here in Hoonah, when
49 they began or anything.
50

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MS. ROBINSON: Okay. This would -- you would want to contact the Legislative Information Office, probably -- I don't know who Hoonah deals with, but legislative -- there isn't one here in Hoonah, is there?

MS. DALTON: Yes.

MS. ROBINSON: Oh, there is one here? Okay. Well, you would contact the local Legislative Information Office and ask them to track this bill for you, and they -- ask them to notify you when there's going to be hearings on it, and then you would just send in some written testimony, like what you just told us, and it would be excellent for when they look at this bill -- at this resolution. So, the Legislative Information Office is really helpful with that kind of thing. And they would help you with that. And maybe there will even be some teleconference hearings on it, I don't know. But they could also tell you that.

MR. MILLS: Okay. I've gotten more information here than I've got in years with you guys.

CHAIRMAN THOMAS: Thank you very much. Jumbo.

MR. JAMES: Good afternoon, Mr. Chairman and Federal Subsistence Board members. I couldn't find a secretary to write for me a proposal on such short notice. I found by special action I can submit this, and it's not my desire to go over this board because I can see that that won't work.

My first proposal that I am going to write is that some effort be made for the State of Alaska. I know that the government wishes -- threatened to take over management on Federal lands for fish and game, but every time the State makes a regulation they violate their own constitution. Article XII, Section 12, of the State of Alaska's Constitution, this includes the Forest Service, these are all of the state rights. I don't have to go through it, I'm sure you're all aware of it, the rights of food gathering and fishing, hunting will not be abridged or restricted to the Native people. That's Federal law.

When Alaska became a state they signed a compact with the Federal government and had that stipulation put in to the State of Alaska Constitution, Article I.

Also I'm going to write another proposal on Glacier Bay because of the Greg Brown case. This young man was arrested by

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1 Federal authorities, tried by the Federal prosecutor in front of a Federal judge in the Federal courtroom, and I appeared as one of the witnesses. There was quite a few witnesses on Greg Brown's behalf. And no decision could be reached. They could not find him guilty. He had admitted that this was a customary and traditional food and he readily admitted what he was doing it for, what we believe has religious connotations to us, our right to food gathering in Glacier Bay and this is our home. Instead of this type of court having the decency to publicly and openly state his guilt or innocence, they mailed him an acquittal.

2 He was here and spoke the other day but I don't know, he seemed to be not too well accepted. I seen people letting their personal feelings get in the way and judgment. But I will submit this proposal that -- I'm speaking for myself -- I do not presume to speak on behalf of the Hoonah people, I speak as a true Tlingit (ph) elder.

3 This proposal that I wish to submit is to allow limited hunting of marine mammals as per the endangered species act for the Natives and so forth. I personally don't believe in the taking of game on land like goats, bear, deer, anything. But I do personally believe that it is my right -- my traditional right, God-given right to go into my home, and I still consider Glacier Bay my home because years of my life were -- I was raised there, sometimes there and some away from it. And because my justification is that the Federal courts could not convict this young man, he stated it was too complex, well, that's -- I don't see what is complex about it. I can't understand that.

4 The other proposal I mentioned, the right to do food gathering and hunting on all of our traditional lands should not be a bridge restricted. I further believe in conservation. I want to see if all can be denied. The State has gone so far as they now want to take the gathering of seaweed for food a limited entry. My God, what is next! I think there's some crazy people in there that they would think of such a thing. It seems to me that everything the State has ever said or done is detrimental to the Alaska Native people from where they come from.

5 Concerning that as a remark -- concerning that bottom fish issue, rockfish and so forth, when I was in Anchorage a couple years ago I had the privilege of hearing a young man speak. I'm sure some of you know him, Mr. Merculief. He spoke of the Saint Paul fur seal, for many years that's been closed

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to Bristol Bay and the Aleutians. This speech that he made 235
the American Indian Rights and Fisheries, which I went to, and
I and some others, was a very moving speech, very much to the
1 point. This herd of fur seals in the Pribilof Islands have
2 been closed for several years because of the biomass that's
3 been taken, the extreme biomass -- those seal populations are
4 on the decline, they are not building up. Further restrictions
5 should be put on the wide open raping of the resources. In
6 some areas, from what I hear, there is complete destruction of
7 those resources. The fur seals are not increasing now, they
8 are on the decline. (Indiscernible - away from microphone) I
9 was very moved by his speech and his logic and terrific speech.
10 He gave us figures and everything of what this concept was,
11 very refreshing to be, better than any politician I've ever
12 seen or heard. Thank you.

13
14
15

16 CHAIRMAN THOMAS: Thank you, Jumbo. Getting back to
17 the reception of Greg Brown's presentation. You know, and
18 everybody is pretty familiar with the case, and if we have no
19 authority to do anything about it, there's not much to say.
20 It's like when your friend dies; what do you say? You know?
21 And the emotions are almost parallel. I think I speak for
22 everybody on this council when I say that we endorse and
23 support whatever Greg represented and whatever he did. We
24 agree that there was an injustice done, but what do we do?
25 Shoot everybody in the Federal government or what? You know?
26 So, one of the things we've got to consider -- another thing --
27 there's a lot of things to consider. If I was involved in the
28 case I probably would have asked if there were any seals closer
29 to Hoonah. But I know that's not the point. But just for the
30 record, I do want to say that we in no way intended to be
31 insensitive to listening to the expression from Greg Brown. He
32 approached this council in Sitka with the same presentation,
33 so, you know, I'll probably hear it again, and my reaction
34 probably won't be more exciting. So, that you know.

35

36 But I appreciate everybody here taking the time to come
37 and express those concerns. We're limited on what we can do.
38 Our ambitions are greater than our ability, but we keep trying.

39

40 MS. WILSON: Mr. Chair.

41

42 CHAIRMAN THOMAS: Marilyn.

43

44

45 MS. WILSON: If I could just impart a little moral -- I
46 guess it would be called a story. But up north in the Yukon
47 they had the same problem with their park. They couldn't do
48 anything in there, and that was the land they always hunted and
49 did their fishing in, and I guess the whole village went out

50

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and -- I think this was for fishing, and they all fished. S076
they -- I guess they all had to be thrown in jail, but they got
their point across, and they went to court with the Federal
government and so forth, and so that's what they did. I just
wanted to bring that out of what the Yukon people did, the
Yukon Indians.

CHAIRMAN THOMAS: Well, I've got a personal story for
you, but it won't come out so flashy. I was a member of
Southeast Native Subsistence Commission, and our president
said, "We ought to have somebody do a -- we'll do a trial
case." I didn't intend to be a trial case, but I got busted
for using a gillnet the wrong way in Nielsen Bay. I never
gillnetted before. I bought a net to do subsistence fishing.
Everybody was tied off, so I tied off. Everybody left but me.
I figured they all got their fish, I didn't get any. A guy
came and gave me a ticket for setnetting. I said, "Oh, what
are you supposed to do with these?" "It's supposed to drift."
I said, "It's drifting." "But it's tied off." I said, "Yeah,
it's both; it's tied off and if it wasn't drifting I wouldn't
be able to find it." Well, my logic and his logic weren't the
same. So, I hired a lawyer. I thought I had a trial case,
right? Southeast Native Subsistence Commission going to battle
for Old Bill. So, I got my lawyer and he didn't know either.
He didn't know what the difference between setnetting and
driftnetting were. So, I went down and got a reg book and he
and I went through it together, and we found it. Well, the
judge came down. The judge didn't know either. So, he came
down. And the difference between a setnet and a driftnet is
that a driftnet is a gillnet that is not intentionally fastened
on either end. A setnet is a net -- driftnet that is attached
and fastened on either end.

In case any of you are going to break the law, you've
got no reason to do it now. It cost me a hundred bucks. Did
anyone come to my side? No. I told one, yes. Everybody was
looking at the color of the floor tiles when I was telling
about it, so I didn't get any publication, no notoriety or
anything. It cost me a hundred bucks.

Any more sad tales? Does that complete our agenda?
Mim.

MS. ROBINSON: It seems to me that there was something
that was going to be delayed till now about the C & T process.
That's what I have written down, but I don't remember what we
were wondering about, about the chairmen getting together?

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CHAIRMAN THOMAS: Right.
MS. ROBINSON: Coming up here soon?

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1 CHAIRMAN THOMAS: Right.

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3 MS. ROBINSON: You were going to tell us what you were
4 going to be doing or something or clarifying what's going to
5 happen?
6

7
8
9 CHAIRMAN THOMAS: Oh, oh, okay, yeah, let me do the
10 best I can. C & Ts, they're looking at Kenai, to start with.
11 And it is complex, and C & Ts from regions vary. And we all
12 felt like we should have input from all of the regions on the
13 Kenai C & T. Since it's the first one we felt that some place
14 in there there would be implication that would be statewide.
15 Okay, so we are involved in that. Well, on a couple of
16 occasions they came up with language that just wouldn't work at
17 all. It didn't make sense, nothing ever fit. And this
18 happened when we're not there, it happened when everyone goes
19 back home and there are people that live in Anchorage and can
20 do this. And then they'll send us a message saying that
21 they're meeting on this date and we're all panicking, we need
22 to go through it, we need more time, what's the rush. Okay, so
23 we're into our third component of that, and so my sense of our
24 getting together now is for us to get up there and deliberate
25 between the staff coordinators and chairs and try to come to
26 some agreement on what C & Ts should look like. Maybe Carol
27 can offer more to that.
28

29
30 MS. JORGENSEN: Well, if you remember correctly, about
31 a year ago you got the Kenai C & T booklet, and it went through
32 and it had Alternative A, B and C, and the council at that time
33 reviewed it and said, well, in looking at all three
34 alternatives, of the three, if they have to choose, Alternative
35 A would probably be the one they'd go with because it was least
36 restrictive. But then they came up with a more narrow version,
37 and the regional council chairs and everybody else across the
38 state got very concerned because their Alternative A was not
39 looked at and not adopted. So, then that put it back in to
40 we're back to the drawing board. And then another alternative
41 came and it looked very restrictive. It's been going back and
42 forth, back and forth.
43

44 The solicitor -- the Interior Solicitor Keith Goltz
45 came in, and from his perspective he looks at C & T and says
46 that subsistence is not supposed to be restricted, it's
47 supposed to be applied in the broadest sense. And so that's
48 what's being -- that's what they're reviewing right now, and
49 their chairmans are going to come up.
50

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Bill and I have to fly up Sunday night. We'll meet with staff and we'll go over this again, but with that in mind, all 10 chairmans are involved in this and Staff Committee, and then the Staff Committee from whatever comes out of there, they're supposed to make a recommendation back to the Federal Subsistence Board. The Federal Subsistence Board was not happy with the last go-round and said, "Staff, go back and redo this and come back with recommendations." So, that's what they'll be going up there on. On Monday they'll be looking at things and making some decisions.

But do bear in mind that the regional councils also agree with the Solicitor that subsistence should be looked at in the broadest sense not the restrictive sense. Subsistence should not be restricted. So, I think that there will be some good recommendations at this next meeting, and they'll be able to resolve some issues.

CHAIRMAN THOMAS: Kapish? Everybody kapish? Didn't know I was multi-linguistic, huh? Does that complete our agenda, ladies and gentlemen?

MR. ANDERSON: Mr. Chairman, are you suggesting that we meet around the table to add or subtract on this problem?

CHAIRMAN THOMAS: Well, that's a good question. What is the wish of the council? Would you like to do that, sit around the table, look over that language and set me up with some input or -- it's got to be a gross message there, lack of no confidence in the Chair, but that's all right.

MS. ROBINSON: Look at which language, the Kenai thing or what?

CHAIRMAN THOMAS: Oh, no, just

MS. ROBINSON: What are we talking about here?

MR. ANDERSON: The process of C & T determination.

CHAIRMAN THOMAS: Yeah.

MS. ROBINSON: Oh, that thing.

CHAIRMAN THOMAS: That could be very helpful. Let's take two minutes and think about it.

(Off record)

(END OF PROCEEDING)

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19
20 Native Brotherhood Hall, Hoonah, Alaska;
21

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23 THAT this Transcript, as heretofore annexed, is a true
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